

# **Exhibit 5**

## **A-E**

# **Exhibit 5-A**

CONFIDENTIAL

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13 *Toshiba Corporation*

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 (SAN FRANCISCO DIVISION)

17 IN RE: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

19 Case No. 07-5944 SC  
20 MDL No. 1917

21 This Document Relates to:

22 ALL INDIRECT PURCHASER ACTIONS

23 **TOSHIBA CORPORATION'S**  
24 **OBJECTIONS AND RESPONSES**  
25 **TO INDIRECT PURCHASER**  
26 **PLAINTIFFS' FOURTH SET OF**  
27 **REQUESTS FOR PRODUCTION**  
28 **OF DOCUMENTS**

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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's  
2 April 3, 2014 Order re Discovery and Case Management Protocol (as modified by the Court  
3 on March 12, 2013) (collectively, the "Discovery Protocol"), Defendant Toshiba  
4 Corporation ("Toshiba Corp.") hereby serves the following Objections and Responses to  
5 Indirect Purchaser Plaintiffs' Fourth Set of Requests for Production of Documents from  
6 Toshiba Defendants, dated August 1, 2014 (the "Requests").

7 Each of the following responses is made only for purposes of this action. Each  
8 response is subject to all objections as to relevance, materiality and admissibility and to any  
9 and all objections on any ground that would require exclusion of any response if it were  
10 introduced in court. All evidentiary objections and grounds are expressly reserved.

11 Toshiba Corp.'s responses to the Requests are subject to the provisions of the  
12 Stipulated Protective Order that the Court entered on June 18, 2008 (the "Protective  
13 Order"). Toshiba Corp.'s responses are hereby designated "Confidential" in accordance  
14 with the provisions of the Protective Order.

### 15 **GENERAL OBJECTIONS**

16 1. Toshiba Corp. objects to the Requests, including the Definitions and  
17 Instructions provided therein, to the extent they purport to impose obligations beyond those  
18 required or permitted by the Federal Rules of Civil Procedure and the Local Rules of  
19 Practice in Civil Proceedings before the United States District Court for the Northern  
20 District of California, or to the extent they are outside the scope of any order or opinion of  
21 this Court.

22 2. Toshiba Corp. objects to the Requests, including the Definitions and  
23 Instructions provided therein, to the extent they seek to impose on it discovery obligations  
24 exceeding the scope of the Discovery Protocol.

25 3. Toshiba Corp. objects to the Requests, including the Definitions and  
26 Instructions provided therein, to the extent they call for the production of documents or  
27 information that relate to matters not raised by the pleadings, to the extent they are not  
28

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1 material and necessary to the prosecution or defense of this action and to the extent they are  
2 not reasonably calculated to lead to the discovery of admissible evidence.

3 4. Toshiba Corp. objects to the Requests, including the Definitions and  
4 Instructions provided therein, to the extent they are overly broad, unduly burdensome,  
5 vague and/or ambiguous.

6 5. Toshiba Corp. objects to the Requests, including the Definitions and  
7 Instructions provided therein, to the extent they state and/or call for legal conclusions and/or  
8 admissions.

9 6. Toshiba Corp. objects to the Requests, including the Definitions and  
10 Instructions provided therein, to the extent they seek information or documents protected by  
11 the attorney-client privilege, work-product doctrine or any other applicable privilege,  
12 protection, immunity or rule (collectively, "Privileged Information"). Toshiba Corp. will  
13 not disclose any Privileged Information in response to any Request. Toshiba Corp. does not  
14 intend by this response to waive any claim of privilege or immunity. Any inadvertent  
15 production of such material or information is not intended to, and shall not, constitute a  
16 general or specific waiver in whole or in part of those privileges or protections as to  
17 material or information inadvertently produced or the subject matter thereof. Nor is any  
18 inadvertent production intended to, nor shall it, constitute a waiver of the right to object to  
19 any use of such document or information.

20 7. Toshiba Corp. objects to the Requests, including the Definitions and  
21 Instructions provided therein, to the extent they seek information, the disclosure of which  
22 would violate applicable law, including, but not limited to, privacy laws. In providing any  
23 response, Toshiba Corp. does so only to the extent allowable under applicable law.

24 8. Toshiba Corp. objects to the Requests, including the Definitions and  
25 Instructions provided therein, to the extent that they seek confidential, proprietary or trade  
26 secret information.

27 9. Toshiba Corp. objects to the Requests, including the Definitions and  
28 Instructions provided therein, to the extent they seek documents or electronic information,

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1 the disclosure of which is prohibited by contractual obligations or agreements between  
2 Toshiba Corp. and third parties.

3 10. Toshiba Corp. objects to the Requests, including the Definitions and  
4 Instructions provided therein, to the extent they are unduly burdensome and oppressive, or  
5 constitute an abuse of process in light of the costs imposed on Toshiba Corp. weighed  
6 against Plaintiffs' need for the information.

7 11. Toshiba Corp. objects to the Requests, including the Definitions and  
8 Instructions provided therein, to the extent they seek disclosure of documents or information  
9 not reasonably accessible to Toshiba Corp.

10 12. Toshiba Corp. objects to the Requests, including the Definitions and  
11 Instructions provided therein, to the extent they seek the discovery of information regarding  
12 Toshiba Corp.'s sales outside of the United States and unrelated to United States commerce,  
13 as such sales are beyond the scope of this litigation and production of such information  
14 would render these requests overly broad, unduly burdensome, and not reasonably  
15 calculated to lead to the discovery of admissible evidence. Toshiba Corp. also objects to the  
16 Requests to the extent they seek discovery of information that is beyond the scope of the  
17 Sherman Antitrust Act, 15 U.S.C. § 1. Toshiba Corp. will only produce responsive, non-  
18 privileged information and documents that relate to Toshiba Corp.'s sales, if any, of CRTs  
19 or CRT Products that are shipped to the United States or that relate to activity with a direct,  
20 substantial and reasonably foreseeable effect on U.S. commerce and that can be located  
21 through a reasonable search.

22 13. Toshiba Corp. objects to the Requests, including the Definitions and  
23 Instructions provided therein, to the extent they seek information, the disclosure of which is  
24 prohibited by law, regulation or order of a court or another authority of the foreign  
25 jurisdiction in which the documents or information are located.

26 14. Toshiba Corp. objects to the Requests, including the Definitions and  
27 Instructions provided therein, to the extent they seek disclosure of documents or information  
28 that are not within Toshiba Corp.'s possession, custody or control.

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1           15.     Toshiba Corp. objects to the Requests, including the Definitions and  
2 Instructions provided therein, to the extent they seek information which is equally  
3 accessible to Plaintiffs as to Toshiba Corp., or which have already been produced by other  
4 parties.

5           16.     Toshiba Corp. objects to the Requests, including the Definitions and  
6 Instructions provided therein, to the extent they are cumulative to or duplicative of other  
7 Requests, or seek duplicative copies of the same document.

8           17.     Toshiba Corp.'s responses to the Requests are not intended to be, and shall  
9 not be construed as, an agreement or concurrence by Toshiba Corp. with Plaintiffs'  
10 characterization of any facts, circumstances, or legal obligations. Toshiba Corp. reserves  
11 the right to contest any such characterization. Toshiba Corp. further objects to the Requests  
12 to the extent that they contain express or implied assumptions of fact or law with respect to  
13 matters at issue in the case.

14           18.     Toshiba Corp. objects to the definition of "Document" because it is overly  
15 broad, unduly burdensome, and seeks information that is neither relevant nor reasonably  
16 calculated to lead to the discovery of admissible information. Toshiba Corp. further  
17 objections to the definition of "Document" to the extent it purports to impose obligations  
18 beyond those required or permitted by the Federal Rules of Civil Procedure and the Local  
19 Rules of Practice in Civil Proceedings before the United States District Court for the  
20 Northern District of California or to the extent they are outside the scope of any order or  
21 opinion of this Court.

22           19.     Toshiba Corp. objects to the definition of "you" and "your" because it is  
23 vague, overly broad and unduly burdensome, as it includes persons not controlled by  
24 Toshiba Corp., and as it seeks information that is neither relevant nor reasonably calculated  
25 to lead to the discovery of admissible information and, in addition, improperly purports to  
26 seek information from distinct corporate entities and persons not parties to the case and not  
27 controlled by Toshiba Corp. Toshiba Corp. will interpret these terms to refer to Toshiba  
28 Corp. only. Toshiba Corp. further objects to the definition of "you" and "your" to the extent

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1 it seeks information or documents protected by the attorney-client privilege, work product  
2 doctrine or any other applicable privilege, protection, immunity, or rule.

3 20. Toshiba Corp. objects to the definition of “CRT” because it is vague,  
4 ambiguous, and overly broad.

5 21. Toshiba Corp. objects to the definition of “Relevant Time Period” to the  
6 extent that it exceeds the “Class Period” defined in the IPPs’ Complaint, because it is overly  
7 broad, unduly burdensome, not relevant to any party’s claim or defense, and not reasonably  
8 calculated to lead to the discovery of admissible evidence. Toshiba Corp. also objects to the  
9 definition of “Relevant Time Period” because it is well beyond the relevant statute of  
10 limitations. Toshiba Corp. further objects to the term “Relevant Time Period” to the extent  
11 that it seeks documents created after this litigation began. For the purposes of responding to  
12 these Requests, Toshiba Corp. will interpret the term “Relevant Time Period” as referring to  
13 the “Class Period” defined in the IPPs’ Complaint, which is March 1, 1995 to November 25,  
14 2007.

15 22. Toshiba Corp. objects to Instruction No. 1 because it is overly broad and  
16 unduly burdensome.

17 23. Toshiba Corp. objects to Instruction Nos. 2-12 and 14-15 to the extent that  
18 they purport to impose obligations on Toshiba Corp. beyond those required or permitted by  
19 the Federal Rules of Civil Procedure, the Local Rules of Practice in Civil Proceedings  
20 before the United States District Court for the Northern District of California, or the  
21 Discovery Protocol, including, without limiting the foregoing, the burden of producing any  
22 documents or things that are not within Toshiba Corp.’s possession, custody, or control, in  
23 violation of Rule 34(a)(1) of the Federal Rules of Civil Procedure. Toshiba Corp. also  
24 objects to Instruction No. 4 to the extent that it calls for the production of documents  
25 protected by either the attorney-client privilege or the attorney work-product doctrine.

26 24. Toshiba Corp. objects to Instruction No. 13 with respect to the preparation  
27 of a privilege log because it is unduly burdensome and seeks more information than is  
28 required by Rule 26(b)(5)(A) of the Federal Rules of Civil Procedure.

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**OBJECTIONS AND RESPONSES TO SPECIFIC REQUESTS****REQUEST NO. 48:**

All documents reflecting discussions which led to the formation of MTPD.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 48 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 48 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. further objects to Request No. 48 because the term “formation” is vague.

Subject to and without waiving the objections stated above, Toshiba Corp. refers Plaintiffs to documents and information previously produced by Toshiba Corp. in this litigation in response to Interrogatory No. 7 of DPPs’ First Set of Interrogatories, Request No. 24 of IPPs’ Second Set of Requests for Production of Documents, and Request No. 24 of DPPs’ Second Set of Requests for Production of Documents.

**REQUEST NO. 49:**

All documents reflecting discussions regarding the decisions to shut down worldwide CRT manufacturing facilities between 2003 and the present, for MTPD.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 49 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 49 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

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1 Toshiba Corp. also objects to Request No. 49 to the extent that it seeks the disclosure  
2 of documents or information that is not within Toshiba Corp.'s possession, custody, or  
3 control.

4 Toshiba Corp. further objects that its counsel is not in a position to respond to this  
5 Request on behalf of MTPD, an entity that its counsel does not represent.

6 Toshiba Corp. also objects to Request No. 49 to the extent that it seeks information  
7 beyond the putative class period.

8 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
9 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
10 decisions to shut down worldwide CRT manufacturing facilities between 2003 and the  
11 present, for MTPD, if any exist.

12 **REQUEST NO. 50:**

13 All documents relating to discussions regarding Panasonic's acquisition of Toshiba's  
14 stake in MTPD in or around April 2007.

15 **RESPONSE:**

16 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
17 No. 50 because it is vague, overly broad, unduly burdensome, and seeks information that is  
18 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

19 Toshiba Corp. also objects to Request No. 50 to the extent it seeks "all documents"  
20 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
21 lead to the discovery of admissible evidence.

22 Toshiba Corp. further objects to Request No. 50 on the ground that it is cumulative or  
23 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
24 Protocol, including Requests Nos. 9 and 10 of DAPs' First Set of Requests for Admissions  
25 and Interrogatory No. 1 of DAPs' First Set of Interrogatories.

26 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
27 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
28 Panasonic's acquisition of Toshiba's stake in MTPD in or around April 2007, if any exist.

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**CONFIDENTIAL****REQUEST NO. 51:**

All documents relating to your due diligence regarding Panasonic's acquisition of Toshiba's stake in MTPD in or around April 2007.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 51 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 51 to the extent it seeks "all documents" on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. further objects to Request No. 51 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request No. 24 of DPPs' Second Set of Requests for Production of Documents.

Subject to and without waiving the objections stated above, Toshiba Corp. responds that, after a reasonable search, it will produce non-privileged documents sufficient to show Toshiba Corp.'s due diligence regarding Panasonic's acquisition of Toshiba's stake in MTPD in or around April 2007, if any exist.

**REQUEST NO. 52:**

All documents including, without limitations, financial statements, reflecting contributions of assets and liabilities that MTPD received from you between 2003 and 2009.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 52 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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1 Toshiba Corp. also objects to Request No. 52 to the extent it seeks “all documents”  
2 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
3 lead to the discovery of admissible evidence.

4 Toshiba Corp. further objects to Request No. 52 to the extent that it seeks information  
5 beyond the putative class period.

6 Toshiba Corp. further objects to Request No. 52 on the ground that it is cumulative or  
7 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
8 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
9 No. 24 of DPPs’ Second Set of Requests for Production of Documents.

10 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
11 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
12 contributions of assets and liabilities that MTPD received from Toshiba Corp. between  
13 2003 and 2009, if any exist.

14 **REQUEST NO. 53:**

15 All MTPD’s documents including, without limitations, financial statements,  
16 reflecting contributions of assets and liabilities that MTPD received from you between 2003  
17 and 2009.

18 **RESPONSE:**

19 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
20 No. 53 because it is vague, overly broad, unduly burdensome, and seeks information that is  
21 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

22 Toshiba Corp. also objects to Request No. 53 to the extent it seeks “all MTPD’s  
23 documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably  
24 calculated to lead to the discovery of admissible evidence.

25 Toshiba Corp. further objects to Request No. 53 to the extent that it seeks the  
26 disclosure of documents or information that is not within Toshiba Corp.’s possession,  
27 custody, or control.

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1 Toshiba Corp. further objects to Request No. 53 to the extent that it seeks information  
2 beyond the putative class period.

3 Toshiba Corp. further objects that its counsel is not in a position to respond to this  
4 Request on behalf of MTPD, an entity that its counsel does not represent.

5 Toshiba Corp. further objects to Request No. 53 on the ground that it is cumulative or  
6 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
7 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
8 No. 24 of DPPs' Second Set of Requests for Production of Documents.

9 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
10 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
11 contributions of assets and liabilities that MTPD received from Toshiba Corp. between  
12 2003 and 2009, if any exist.

13 **REQUEST NO. 54:**

14 All documents relating to payments of dividends or other profits paid by MTPD to  
15 you between 2003 and 2009.

16 **RESPONSE:**

17 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
18 No. 54 because it is vague, overly broad, unduly burdensome, and seeks information that is  
19 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

20 Toshiba Corp. also objects to Request No. 54 to the extent it seeks "all documents"  
21 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
22 lead to the discovery of admissible evidence.

23 Toshiba Corp. also objects to the term "other profits" because it is vague, overly  
24 broad and neither relevant nor reasonably calculated to lead to the discovery of admissible  
25 evidence.

26 Toshiba Corp. further objects to Request No. 54 to the extent it seeks the disclosure  
27 of documents or information which is equally accessible to the Plaintiffs as to Toshiba  
28 Corp, or which has already been produced by other parties.

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1 Toshiba Corp. further objects to Request No. 54 to the extent that it seeks information  
2 beyond the putative class period.

3 Toshiba Corp. further objects to Request No. 54 on the ground that it is cumulative or  
4 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
5 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
6 No. 24 of DPPs' Second Request for Production of Documents.

7 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
8 that, after a reasonable search, it will produce non-privileged documents from the putative  
9 class period sufficient to show payments of dividends or other profits paid by MTPD to  
10 Toshiba Corp. between 2003 and 2009, if any exist.

11 **REQUEST NO. 55:**

12 All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009  
13 which were submitted to you, including but not limited to those used for the monthly  
14 business unit meetings conducted at PAVC. See Tobinaga 30(b)(6) Tr. 22:25-28:12.

15 **RESPONSE:**

16 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
17 No. 55 because it is vague, overly broad, unduly burdensome, and seeks information that is  
18 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

19 Toshiba Corp. objects to the terms "business plans, reports, and forecasts" because  
20 they are vague, overbroad, and unduly burdensome.

21 Toshiba Corp. also objects to Request No. 55 to the extent that it seeks information  
22 beyond the putative class period. Toshiba Corp. will only respond to this Request within  
23 the putative class period.

24 Toshiba Corp. further objects to Request No. 55 on the ground that it is cumulative or  
25 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
26 Protocol, including Request No. 17 of DPPs' Second Set of Requests for Production of  
27 Documents.  
28

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1 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
2 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
3 business plans, reports, and forecasts prepared by MTPD that were submitted to Toshiba  
4 Corp. during the putative class period, if any exist.

5 **REQUEST NO. 56:**

6 All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009  
7 which were submitted to you, including but not limited to those used to create your business  
8 plans.

9 **RESPONSE:**

10 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
11 No. 56 because it is vague, overly broad, unduly burdensome, and seeks information that is  
12 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

13 Toshiba Corp. objects to the terms “business plans, reports, and forecasts” because  
14 they are vague, overbroad, and unduly burdensome.

15 Toshiba Corp. also objects to Request No. 56 to the extent that it seeks information  
16 beyond the putative class period. Toshiba Corp. will only respond to this Request within  
17 the putative class period.

18 Toshiba Corp. further objects to Request No. 56 to the extent that it assumes that  
19 Toshiba Corp. used “business plans, reports, and forecasts prepared by MTPD” to create its  
20 business plans without providing the basis for such an assumption.

21 Toshiba Corp. further objects to Request No. 56 on the ground that it is cumulative or  
22 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
23 Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of  
24 Documents.

25 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
26 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
27 business plans, reports, and forecasts prepared by MTPD that were submitted to Toshiba  
28 Corp. during the putative class period, if any exist.

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**CONFIDENTIAL****REQUEST NO. 57:**

All documents relating to the rules and policies of any board or committee governing MTPD from 2003 to 2009.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 57 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 57 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. objects to the terms “rules and policies” because they are vague, overbroad, and unduly burdensome.

Toshiba Corp. also objects to Request No. 57 to the extent that it seeks the disclosure of documents or information that is not within Toshiba Corp.’s possession, custody, or control.

Toshiba Corp. further objects that its counsel is not in a position to respond to this Request on behalf of MTPD, an entity that its counsel does not represent.

Toshiba Corp. also objects to Request No. 57 to the extent that it seeks information beyond the putative class period.

Toshiba Corp. further objects to Request No. 57 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 15 of DAPs’ First Set of Interrogatories.

Subject to and without waiving the objections stated above, Toshiba Corp. responds that, after a reasonable search, it will produce non-privileged documents sufficient to show the rules and policies of any board or committee governing MTPD that Toshiba Corp. received during the putative class period, if any exist.

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**CONFIDENTIAL****REQUEST NO. 58:**

All documents relating to your assistance or participation in the procurement of any loans or other capital from third parties during the Relevant Time Period including, without limitations, any guarantees you made, for MTPD.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 58 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 58 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. objects to the term “guarantees” because it is vague, overbroad, and unduly burdensome.

Toshiba Corp. further objects to Request No. 58 to the extent that it seeks the disclosure of documents or information that is not within Toshiba Corp.’s possession, custody, or control.

Toshiba Corp. further objects to Request No. 58 to the extent that it seeks information beyond the putative class period.

Toshiba Corp. further objects to Request No. 58 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request No. 24 of DPPs’ Second Set of Requests for Production of Documents.

Subject to and without waiving the objections stated above, Toshiba Corp. responds that, after a reasonable search, it will produce non-privileged documents sufficient to show Toshiba Corp.’s assistance or participation in the procurement of any loans or other capital from third parties during the putative class period for MTPD, if any exist.

**CONFIDENTIAL****REQUEST NO. 59:**

All documents relating to the pricing or prices of CRTs you purchased from MTPD during the Relevant Time Period including, without limitations, any pricing negotiations, price lists, and any agreements by you to pay in advance for the delivery of CRTs you bought.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 59 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 59 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. objects to the term “CRTs” because it is vague, overbroad, and unduly burdensome.

Toshiba Corp. also objects to Request No. 59 to the extent that it seeks the disclosure of documents or information that is not within Toshiba Corp.’s possession, custody, or control.

Toshiba Corp. also objects to Request No. 59 to the extent that it seeks information beyond the putative class period. Toshiba Corp. will only respond to this Request within the putative class period.

Toshiba Corp. also objects to Request No. 59 to the extent it seeks information regarding purchases outside the United States and unrelated to United States commerce, as such purchases are beyond the scope of this litigation and requesting such information renders Request No. 59 overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. further objects to Request No. 59 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatories Nos. 11 and 12 of IPPs and DPPs’ Interrogatories on

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1 Toshiba Defendants and Request No. 14 of the IPPs' Second Request for Production of  
2 Documents.

3 Subject to and without waiving the objections stated above, Toshiba Corp. refers  
4 Plaintiffs to documents previously produced by Toshiba Corp. in this litigation, including  
5 but not limited to: TSB-CRT-00061306, TSB-CRT-00061307, TSB-CRT-00061308, TSB-  
6 CRT-00061309, TSB-CRT-00061310, TSB-CRT-00061311, TSB-CRT-00061312, TSB-  
7 CRT-00061313, TSB-CRT-00061314, TSB-CRT-00061315, TSB-CRT-00061316, and  
8 TSB-CRT-00061317.

9 **REQUEST NO. 60:**

10 All documents relating to insurance policies covering MTPD and/or their respective  
11 employee(s) including, without limitations, documents relating to the payment of those  
12 insurance premiums.

13 **RESPONSE:**

14 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
15 No. 60 because it is vague, overly broad, unduly burdensome, and seeks information that is  
16 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

17 Toshiba Corp. also objects to Request No. 60 to the extent it seeks "all documents"  
18 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
19 lead to the discovery of admissible evidence.

20 Toshiba Corp. further objects to Request No. 60 to the extent that it seeks the  
21 disclosure of documents or information that is not within Toshiba Corp.'s possession,  
22 custody, or control.

23 Toshiba Corp. further objects that its counsel is not in a position to respond to this  
24 Request on behalf of MTPD, an entity that its counsel does not represent.

25 Toshiba Corp. further objects to Request No. 60 to the extent that it seeks information  
26 beyond the putative class period.  
27  
28

**CONFIDENTIAL**

1 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
 2 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
 3 insurance policies covering MTPD, if any exist.

4 **REQUEST NO. 61:**

5 All documents relating to or constituting any periodic reports provided by MTPD to  
 6 you.

7 **RESPONSE:**

8 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
 9 No. 61 because it is vague, overly broad, unduly burdensome, and seeks information that is  
 10 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

11 Toshiba Corp. objects to the term “periodic reports” because it is vague, overbroad,  
 12 and unduly burdensome.

13 Toshiba Corp. also objects to Request No. 61 to the extent that it seeks information  
 14 beyond the putative class period. Toshiba Corp. will only respond to this Request within  
 15 the putative class period.

16 Toshiba Corp. further objects to Request No. 61 on the ground that it is cumulative or  
 17 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 18 Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of  
 19 Documents.

20 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
 21 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
 22 periodic reports provided by MTPD to Toshiba Corp., if any exist.

23 **REQUEST NO. 62:**

24 All documents relating to or constituting statements to any Governmental Antitrust  
 25 Authority relating to CRTs by any Employees of the following entities:

26 i. You; and/or

27 ii. MTPD.

28  
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**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 62 because it is vague, overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 62 to the extent that it seeks the disclosure of information that is not within Toshiba Corp.'s possession, custody, or control.

Toshiba Corp. further objects that its counsel is not in a position to respond to this Request on behalf of MTPD, an entity that its counsel does not represent.

Toshiba Corp. objects to the term "Governmental Antitrust Authority" because it is vague, overbroad, and unduly burdensome

Toshiba Corp. also objects to Request No. 62 to the extent that it seeks confidential information, the disclosure of which is prohibited by a law, regulation, or order of a court or another authority of a foreign jurisdiction in which the information is located.

Toshiba Corp. also objects to Request No. 62 because it seeks to invade the confidentiality of government investigations.

Subject to and without waiving the objections stated above, Toshiba Corp. states that it is not aware of documents relating to or constituting statements from its employees to the United States Department of Justice related to CRTs.

**REQUEST NO. 63:**

All documents relating to or constituting statements to any Governmental Antitrust Authority relating to CRTs by any employee of any Defendant.

**RESPONSE:**

In addition to its General Objections listed above, Toshiba Corp. objects to Request No. 63 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Toshiba Corp. also objects to Request No. 63 to the extent it seeks "all documents" on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

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1 Toshiba Corp. also objects to Request No. 63 to the extent that it seeks the disclosure  
2 of documents or information that is not within Toshiba Corp.'s possession, custody, or  
3 control.

4 Toshiba Corp. further objects that its counsel is not in a position to respond to this  
5 Request on behalf of other Defendants, whom its counsel does not represent.

6 Toshiba Corp. objects to the term "Governmental Antitrust Authority" because it is  
7 vague, overbroad, and unduly burdensome.

8 Toshiba Corp. also objects to Request No. 63 to the extent that it seeks confidential  
9 information, the disclosure of which is prohibited by a law, regulation, or order of a court  
10 or another authority of a foreign jurisdiction in which the information is located.

11 Toshiba Corp. also objects to Request No. 63 because it seeks to invade the  
12 confidentiality of government investigations.

13 Subject to and without waiving the objections stated above, Toshiba Corp. states that  
14 it is not aware of documents relating to or constituting statements from any Defendant to  
15 the United States Department of Justice related to CRTs.

16 **REQUEST NO. 64:**

17 All documents from 2000 to 2003 concerning your analyses of LP Displays  
18 International, Ltd. (f/k/a LG.Philips Displays)'s business model and your information  
19 exchange with LP Displays regarding the formation of MTPD.

20 **RESPONSE:**

21 In addition to its General Objections listed above, Toshiba Corp. objects to Request  
22 No. 64 because it is vague, overly broad, unduly burdensome, and seeks information that is  
23 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

24 Toshiba Corp. also objects to Request No. 64 to the extent it seeks "all documents"  
25 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
26 lead to the discovery of admissible evidence.

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1 Toshiba Corp. also objects to Request No. 64 to the extent that it seeks the disclosure  
2 of documents or information that is not within Toshiba Corp.'s possession, custody, or  
3 control.

4 Toshiba Corp. objects to the terms "analyses" and "information exchange" because  
5 they are vague, overbroad, and unduly burdensome.

6 Toshiba Corp. further objects to Request No. 64 to the extent that it assumes that  
7 Toshiba Corp. exchanged information with LP Displays without providing the basis for  
8 such an assumption.

9 Subject to and without waiving the objections stated above, Toshiba Corp. responds  
10 that, after a reasonable search, it will produce non-privileged documents sufficient to show  
11 its analysis of LP Displays International, Ltd.'s business model, if any exist.

White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005

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1  
2 Dated: September 5, 2014

**WHITE & CASE<sub>LLP</sub>**

3  
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**CONFIDENTIAL****CERTIFICATE OF SERVICE**

On September 5, 2014, I caused a copy of the "TOSHIBA CORPORATION'S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER PLAINTIFFS' FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS" to be served via e-mail upon:

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# **Exhibit 5-B**

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12 *Counsel to Defendant*

13 *Toshiba America, Inc.*

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 (SAN FRANCISCO DIVISION)

17 IN RE: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

19 Case No. 07-5944 SC  
20 MDL No. 1917

21 This Document Relates to:  
22  
23 ALL INDIRECT PURCHASER ACTIONS

24 **TOSHIBA AMERICA, INC.'S**  
25 **OBJECTIONS AND RESPONSES**  
26 **TO INDIRECT PURCHASER**  
27 **PLAINTIFFS' FOURTH SET OF**  
28 **REQUESTS FOR PRODUCTION**  
**OF DOCUMENTS**

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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's  
2 April 3, 2014 Order re Discovery and Case Management Protocol (as modified by the Court  
3 on March 12, 2013) (collectively, the "Discovery Protocol"), Defendant Toshiba America,  
4 Inc. ("TAI") hereby serves the following Objections and Responses to Indirect Purchaser  
5 Plaintiffs' Fourth Set of Requests for Production of Documents from Toshiba Defendants,  
6 dated August 1, 2014 (the "Requests").

7 Each of the following responses is made only for purposes of this action. Each  
8 response is subject to all objections as to relevance, materiality and admissibility and to any  
9 and all objections on any ground that would require exclusion of any response if it were  
10 introduced in court. All evidentiary objections and grounds are expressly reserved.

11 TAI's responses to the Requests are subject to the provisions of the Stipulated  
12 Protective Order that the Court entered on June 18, 2008 (the "Protective Order"). TAI's  
13 responses are hereby designated "Confidential" in accordance with the provisions of the  
14 Protective Order.

### **GENERAL OBJECTIONS**

15  
16 1. TAI objects to the Requests, including the Definitions and Instructions  
17 provided therein, to the extent they purport to impose obligations beyond those required or  
18 permitted by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil  
19 Proceedings before the United States District Court for the Northern District of California,  
20 or to the extent they are outside the scope of any order or opinion of this Court.

21 2. TAI objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent they seek to impose on it discovery obligations exceeding the  
23 scope of the Discovery Protocol.

24 3. TAI objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they call for the production of documents or information that  
26 relate to matters not raised by the pleadings, to the extent they are not material and  
27 necessary to the prosecution or defense of this action and to the extent they are not  
28 reasonably calculated to lead to the discovery of admissible evidence.

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1           4.       TAI objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are overly broad, unduly burdensome, vague and/or  
3 ambiguous.

4           5.       TAI objects to the Requests, including the Definitions and Instructions  
5 provided therein, to the extent they state and/or call for legal conclusions and/or admissions.

6           6.       TAI objects to the Requests, including the Definitions and Instructions  
7 provided therein, to the extent they seek information or documents protected by the  
8 attorney-client privilege, work-product doctrine or any other applicable privilege,  
9 protection, immunity or rule (collectively, "Privileged Information"). TAI will not disclose  
10 any Privileged Information in response to any Request. TAI does not intend by this  
11 response to waive any claim of privilege or immunity. Any inadvertent production of such  
12 material or information is not intended to, and shall not, constitute a general or specific  
13 waiver in whole or in part of those privileges or protections as to material or information  
14 inadvertently produced or the subject matter thereof. Nor is any inadvertent production  
15 intended to, nor shall it, constitute a waiver of the right to object to any use of such  
16 document or information.

17           7.       TAI objects to the Requests, including the Definitions and Instructions  
18 provided therein, to the extent they seek information, the disclosure of which would violate  
19 applicable law, including, but not limited to, privacy laws. In providing any response, TAI  
20 does so only to the extent allowable under applicable law.

21           8.       TAI objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent that they seek confidential, proprietary or trade secret  
23 information.

24           9.       TAI objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they seek documents or electronic information, the disclosure  
26 of which is prohibited by contractual obligations or agreements between TAI and third  
27 parties.  
28

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1           10.     TAI objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are unduly burdensome and oppressive, or constitute an  
3 abuse of process in light of the costs imposed on TAI weighed against Plaintiffs' need for  
4 the information.

5           11.     TAI objects to the Requests, including the Definitions and Instructions  
6 provided therein, to the extent they seek disclosure of documents or information not  
7 reasonably accessible to TAI.

8           12.     TAI objects to the Requests, including the Definitions and Instructions  
9 provided therein, to the extent they seek the discovery of information regarding TAI's sales  
10 outside of the United States and unrelated to United States commerce, as such sales are  
11 beyond the scope of this litigation and production of such information would render these  
12 requests overly broad, unduly burdensome, and not reasonably calculated to lead to the  
13 discovery of admissible evidence. TAI also objects to the Requests to the extent they seek  
14 discovery of information that is beyond the scope of the Sherman Antitrust Act, 15 U.S.C.  
15 § 1. TAI will only produce responsive, non-privileged information and documents that  
16 relate to TAI's sales, if any, of CRTs or CRT Products that are shipped to the United States  
17 or that relate to activity with a direct, substantial and reasonably foreseeable effect on U.S.  
18 commerce and that can be located through a reasonable search.

19           13.     TAI objects to the Requests, including the Definitions and Instructions  
20 provided therein, to the extent they seek information, the disclosure of which is prohibited  
21 by law, regulation or order of a court or another authority of the foreign jurisdiction in  
22 which the documents or information are located.

23           14.     TAI objects to the Requests, including the Definitions and Instructions  
24 provided therein, to the extent they seek disclosure of documents or information that are not  
25 within TAI's possession, custody or control.

26           15.     TAI objects to the Requests, including the Definitions and Instructions  
27 provided therein, to the extent they seek information which is equally accessible to  
28 Plaintiffs as to TAI, or which have already been produced by other parties.

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1           16.     TAI objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are cumulative to or duplicative of other Requests, or  
3 seek duplicative copies of the same document.

4           17.     TAI's responses to the Requests are not intended to be, and shall not be  
5 construed as, an agreement or concurrence by TAI with Plaintiffs' characterization of any  
6 facts, circumstances, or legal obligations. TAI reserves the right to contest any such  
7 characterization. TAI further objects to the Requests to the extent that they contain express  
8 or implied assumptions of fact or law with respect to matters at issue in the case.

9           18.     TAI objects to the definition of "Document" because it is overly broad,  
10 unduly burdensome, and seeks information that is neither relevant nor reasonably calculated  
11 to lead to the discovery of admissible information. TAI further objections to the definition  
12 of "Document" to the extent it purports to impose obligations beyond those required or  
13 permitted by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil  
14 Proceedings before the United States District Court for the Northern District of California or  
15 to the extent they are outside the scope of any order or opinion of this Court.

16           19.     TAI objects to the definition of "you" and "your" because it is vague,  
17 overly broad and unduly burdensome, as it includes persons not controlled by TAI, and as it  
18 seeks information that is neither relevant nor reasonably calculated to lead to the discovery  
19 of admissible information and, in addition, improperly purports to seek information from  
20 distinct corporate entities and persons not parties to the case and not controlled by TAI.  
21 TAI will interpret these terms to refer to TAI only. TAI further objects to the definition of  
22 "you" and "your" to the extent it seeks information or documents protected by the attorney-  
23 client privilege, work product doctrine or any other applicable privilege, protection,  
24 immunity, or rule.

25           20.     TAI objects to the definition of "CRT" because it is vague, ambiguous, and  
26 overly broad.

27           21.     TAI objects to the definition of "Relevant Time Period" to the extent that it  
28 exceeds the "Class Period" defined in the IPPs' Complaint, because it is overly broad,

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1 unduly burdensome, not relevant to any party's claim or defense, and not reasonably  
 2 calculated to lead to the discovery of admissible evidence. TAI also objects to the  
 3 definition of "Relevant Time Period" because it is well beyond the relevant statute of  
 4 limitations. TAI further objects to the term "Relevant Time Period" to the extent that it  
 5 seeks documents created after this litigation began. For the purposes of responding to these  
 6 Requests, TAI will interpret the term "Relevant Time Period" as referring to the "Class  
 7 Period" defined in the IPPs' Complaint, which is March 1, 1995 to November 25, 2007.

8 22. TAI objects to Instruction No. 1 because it is overly broad and unduly  
 9 burdensome.

10 23. TAI objects to Instruction Nos. 2-12 and 14-15 to the extent that they  
 11 purport to impose obligations on TAI beyond those required or permitted by the Federal  
 12 Rules of Civil Procedure, the Local Rules of Practice in Civil Proceedings before the United  
 13 States District Court for the Northern District of California, or the Discovery Protocol,  
 14 including, without limiting the foregoing, the burden of producing any documents or things  
 15 that are not within TAI's possession, custody, or control, in violation of Rule 34(a)(1) of the  
 16 Federal Rules of Civil Procedure. TAI also objects to Instruction No. 4 to the extent that it  
 17 calls for the production of documents protected by either the attorney-client privilege or the  
 18 attorney work-product doctrine.

19 24. TAI objects to Instruction No. 13 with respect to the preparation of a  
 20 privilege log because it is unduly burdensome and seeks more information than is required  
 21 by Rule 26(b)(5)(A) of the Federal Rules of Civil Procedure.

## 22 **OBJECTIONS AND RESPONSES TO SPECIFIC REQUESTS**

### 23 **REQUEST NO. 48:**

24 All documents reflecting discussions which led to the formation of MTPD.

### 25 **RESPONSE:**

26 In addition to its General Objections listed above, TAI objects to Request No. 48  
 27 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 28 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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TAI also objects to Request No. 48 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI further objects to Request No. 48 because the term “formation” is vague.

**REQUEST NO. 49:**

All documents reflecting discussions regarding the decisions to shut down worldwide CRT manufacturing facilities between 2003 and the present, for MTPD.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 49 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 49 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 49 to the extent that it seeks the disclosure of documents or information that is not within TAI’s possession, custody, or control.

TAI further objects that its counsel is not in a position to respond to this Request on behalf of MTPD, an entity that its counsel does not represent.

TAI also objects to Request No. 49 to the extent that it seeks information beyond the putative class period.

**REQUEST NO. 50:**

All documents relating to discussions regarding Panasonic’s acquisition of Toshiba’s stake in MTPD in or around April 2007.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 50 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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TAI also objects to Request No. 50 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI further objects to Request No. 50 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Requests Nos. 9 and 10 of DAPs’ First Set of Requests for Admissions and Interrogatory No. 1 of DAPs’ First Set of Interrogatories.

**REQUEST NO. 51:**

All documents relating to your due diligence regarding Panasonic’s acquisition of Toshiba’s stake in MTPD in or around April 2007.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 51 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 51 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI further objects to Request No. 51 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request No. 24 of DPPs’ Second Set of Requests for Production of Documents.

**REQUEST NO. 52:**

All documents including, without limitations, financial statements, reflecting contributions of assets and liabilities that MTPD received from you between 2003 and 2009.

**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 52 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 52 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI further objects to Request No. 52 to the extent that it seeks information beyond the putative class period.

TAI further objects to Request No. 52 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request No. 24 of DPPs’ Second Set of Requests for Production of Documents.

**REQUEST NO. 53:**

All MTPD’s documents including, without limitations, financial statements, reflecting contributions of assets and liabilities that MTPD received from you between 2003 and 2009.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 53 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 53 to the extent it seeks “all MTPD’s documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI further objects to Request No. 53 to the extent that it seeks the disclosure of documents or information that is not within TAI’s possession, custody, or control.

TAI further objects to Request No. 53 to the extent that it seeks information beyond the putative class period.

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1 TAI further objects that its counsel is not in a position to respond to this Request on  
2 behalf of MTPD, an entity that its counsel does not represent.

3 TAI further objects to Request No. 53 on the ground that it is cumulative or  
4 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
5 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
6 No. 24 of DPPs' Second Set of Requests for Production of Documents.

7 **REQUEST NO. 54:**

8 All documents relating to payments of dividends or other profits paid by MTPD to  
9 you between 2003 and 2009.

10 **RESPONSE:**

11 In addition to its General Objections listed above, TAI objects to Request No. 54  
12 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
13 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

14 TAI also objects to Request No. 54 to the extent it seeks "all documents" on the  
15 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
16 to the discovery of admissible evidence.

17 TAI also objects to the term "other profits" because it is vague, overly broad and  
18 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

19 TAI further objects to Request No. 54 to the extent it seeks the disclosure of  
20 documents or information which is equally accessible to the Plaintiffs as to Toshiba Corp,  
21 or which has already been produced by other parties.

22 TAI further objects to Request No. 54 to the extent that it seeks information beyond  
23 the putative class period.

24 TAI further objects to Request No. 54 on the ground that it is cumulative or  
25 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
26 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
27 No. 24 of DPPs' Second Request for Production of Documents.

28

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**CONFIDENTIAL****REQUEST NO. 55:**

All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009 which were submitted to you, including but not limited to those used for the monthly business unit meetings conducted at PAVC. See Tobinaga 30(b)(6) Tr. 22:25-28:12.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 55 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI objects to the terms “business plans, reports, and forecasts” because they are vague, overbroad, and unduly burdensome.

TAI also objects to Request No. 55 to the extent that it seeks information beyond the putative class period. TAI will only respond to this Request within the putative class period.

TAI further objects to Request No. 55 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of Documents.

**REQUEST NO. 56:**

All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009 which were submitted to you, including but not limited to those used to create your business plans.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 56 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI objects to the terms “business plans, reports, and forecasts” because they are vague, overbroad, and unduly burdensome.

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1 TAI also objects to Request No. 56 to the extent that it seeks information beyond the  
2 putative class period. TAI will only respond to this Request within the putative class  
3 period.

4 TAI further objects to Request No. 56 to the extent that it assumes that TAI used  
5 “business plans, reports, and forecasts prepared by MTPD” to create its business plans  
6 without providing the basis for such an assumption.

7 TAI further objects to Request No. 56 on the ground that it is cumulative or  
8 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
9 Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of  
10 Documents.

11 **REQUEST NO. 57:**

12 All documents relating to the rules and policies of any board or committee governing  
13 MTPD from 2003 to 2009.

14 **RESPONSE:**

15 In addition to its General Objections listed above, TAI objects to Request No. 57  
16 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
17 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

18 TAI also objects to Request No. 57 to the extent it seeks “all documents” on the  
19 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
20 to the discovery of admissible evidence.

21 TAI objects to the terms “rules and policies” because they are vague, overbroad, and  
22 unduly burdensome.

23 TAI also objects to Request No. 57 to the extent that it seeks the disclosure of  
24 documents or information that is not within TAI’s possession, custody, or control.

25 TAI further objects that its counsel is not in a position to respond to this Request on  
26 behalf of MTPD, an entity that its counsel does not represent.

27 TAI also objects to Request No. 57 to the extent that it seeks information beyond the  
28 putative class period.

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TAI further objects to Request No. 57 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 15 of DAPs' First Set of Interrogatories.

**REQUEST NO. 58:**

All documents relating to your assistance or participation in the procurement of any loans or other capital from third parties during the Relevant Time Period including, without limitations, any guarantees you made, for MTPD.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 58 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 58 to the extent it seeks "all documents" on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI objects to the term "guarantees" because it is vague, overbroad, and unduly burdensome.

TAI further objects to Request No. 58 to the extent that it seeks the disclosure of documents or information that is not within TAI's possession, custody, or control.

TAI further objects to Request No. 58 to the extent that it seeks information beyond the putative class period.

TAI further objects to Request No. 58 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request No. 24 of DPPs' Second Set of Requests for Production of Documents.

**REQUEST NO. 59:**

All documents relating to the pricing or prices of CRTs you purchased from MTPD during the Relevant Time Period including, without limitations, any pricing negotiations,



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1 price lists, and any agreements by you to pay in advance for the delivery of CRTs you  
2 bought.

3 **RESPONSE:**

4 In addition to its General Objections listed above, TAI objects to Request No. 59  
5 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
6 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7 TAI also objects to Request No. 59 to the extent it seeks “all documents” on the  
8 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
9 to the discovery of admissible evidence.

10 TAI objects to the term “CRTs” because it is vague, overbroad, and unduly  
11 burdensome.

12 TAI also objects to Request No. 59 to the extent that it seeks the disclosure of  
13 documents or information that is not within TAI’s possession, custody, or control.

14 TAI also objects to Request No. 59 to the extent that it seeks information beyond the  
15 putative class period. TAI will only respond to this Request within the putative class  
16 period.

17 TAI also objects to Request No. 59 to the extent it seeks information regarding  
18 purchases outside the United States and unrelated to United States commerce, as such  
19 purchases are beyond the scope of this litigation and requesting such information renders  
20 Request No. 59 overly broad, unduly burdensome, and not reasonably calculated to lead to  
21 the discovery of admissible evidence.

22 TAI further objects to Request No. 59 on the ground that it is cumulative or  
23 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
24 Protocol, including Interrogatories Nos. 11 and 12 of IPPs and DPPs’ Interrogatories on  
25 Toshiba Defendants and Request No. 14 of the IPPs’ Second Request for Production of  
26 Documents.

27  
28  
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**CONFIDENTIAL****REQUEST NO. 60:**

All documents relating to insurance policies covering MTPD and/or their respective employee(s) including, without limitations, documents relating to the payment of those insurance premiums.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 60 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 60 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI further objects to Request No. 60 to the extent that it seeks the disclosure of documents or information that is not within TAI’s possession, custody, or control.

TAI further objects that its counsel is not in a position to respond to this Request on behalf of MTPD, an entity that its counsel does not represent.

TAI further objects to Request No. 60 to the extent that it seeks information beyond the putative class period.

**REQUEST NO. 61:**

All documents relating to or constituting any periodic reports provided by MTPD to you.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 61 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI objects to the term “periodic reports” because it is vague, overbroad, and unduly burdensome.

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1 TAI also objects to Request No. 61 to the extent that it seeks information beyond the  
 2 putative class period. TAI will only respond to this Request within the putative class  
 3 period.

4 TAI further objects to Request No. 61 on the ground that it is cumulative or  
 5 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 6 Protocol, including Request No. 17 of DPPs' Second Set of Requests for Production of  
 7 Documents.

8 **REQUEST NO. 62:**

9 All documents relating to or constituting statements to any Governmental Antitrust  
 10 Authority relating to CRTs by any Employees of the following entities:

11 i. You; and/or

12 ii. MTPD.

13 **RESPONSE:**

14 In addition to its General Objections listed above, TAI objects to Request No. 62  
 15 because it is vague, overly broad, unduly burdensome, and seeks information that is not  
 16 reasonably calculated to lead to the discovery of admissible evidence.

17 TAI also objects to Request No. 62 to the extent that it seeks the disclosure of  
 18 information that is not within TAI's possession, custody, or control.

19 TAI further objects that its counsel is not in a position to respond to this Request on  
 20 behalf of MTPD, an entity that its counsel does not represent.

21 TAI objects to the term "Governmental Antitrust Authority" because it is vague,  
 22 overbroad, and unduly burdensome

23 TAI also objects to Request No. 62 to the extent that it seeks confidential information,  
 24 the disclosure of which is prohibited by a law, regulation, or order of a court or another  
 25 authority of a foreign jurisdiction in which the information is located.

26 TAI also objects to Request No. 62 because it seeks to invade the confidentiality of  
 27 government investigations.

**CONFIDENTIAL****REQUEST NO. 63:**

All documents relating to or constituting statements to any Governmental Antitrust Authority relating to CRTs by any employee of any Defendant.

**RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 63 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 63 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 63 to the extent that it seeks the disclosure of documents or information that is not within TAI’s possession, custody, or control.

TAI further objects that its counsel is not in a position to respond to this Request on behalf of other Defendants, whom its counsel does not represent.

TAI objects to the term “Governmental Antitrust Authority” because it is vague, overbroad, and unduly burdensome.

TAI also objects to Request No. 63 to the extent that it seeks confidential information, the disclosure of which is prohibited by a law, regulation, or order of a court or another authority of a foreign jurisdiction in which the information is located.

TAI also objects to Request No. 63 because it seeks to invade the confidentiality of government investigations.

**REQUEST NO. 64:**

All documents from 2000 to 2003 concerning your analyses of LP Displays International, Ltd. (f/k/a LG.Philips Displays)’s business model and your information exchange with LP Displays regarding the formation of MTPD.

**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TAI objects to Request No. 64 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 64 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAI also objects to Request No. 64 to the extent that it seeks the disclosure of documents or information that is not within TAI’s possession, custody, or control.

TAI objects to the terms “analyses” and “information exchange” because they are vague, overbroad, and unduly burdensome.

TAI further objects to Request No. 64 to the extent that it assumes that TAI exchanged information with LP Displays without providing the basis for such an assumption.

White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005

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Dated: September 5, 2014

**WHITE & CASE<sub>LLP</sub>**

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TOSHIBA AMERICA, INC.'S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER  
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**CONFIDENTIAL****CERTIFICATE OF SERVICE**

On September 5, 2014, I caused a copy of the “TOSHIBA AMERICA, INC.’S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER PLAINTIFFS’ FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS” to be served via e-mail upon:

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TOSHIBA AMERICA, INC.’S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER PLAINTIFFS’ FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
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TOSHIBA AMERICA, INC.'S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER  
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# **Exhibit 5-C**

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13 *Toshiba America Information Systems, Inc.*

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 (SAN FRANCISCO DIVISION)

17 IN RE: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

19 Case No. 07-5944 SC  
20 MDL No. 1917

21 This Document Relates to:  
22 ALL INDIRECT PURCHASER ACTIONS

23 **TOSHIBA AMERICA**  
24 **INFORMATION SYSTEMS,**  
25 **INC.'S OBJECTIONS AND**  
26 **RESPONSES TO INDIRECT**  
27 **PURCHASER PLAINTIFFS'**  
28 **FOURTH SET OF REQUESTS**  
**FOR PRODUCTION OF**  
**DOCUMENTS**

TOSHIBA INFORMATION SYSTEMS, INC.'S OBJECTIONS AND RESPONSES TO INDIRECT  
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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's  
2 April 3, 2014 Order re Discovery and Case Management Protocol (as modified by the Court  
3 on March 12, 2013) (collectively, the "Discovery Protocol"), Defendant Toshiba America  
4 Information Systems, Inc. ("TAIS") hereby serves the following Objections and Responses  
5 to Indirect Purchaser Plaintiffs' Fourth Set of Requests for Production of Documents from  
6 Toshiba Defendants, dated August 1, 2014 (the "Requests").

7 Each of the following responses is made only for purposes of this action. Each  
8 response is subject to all objections as to relevance, materiality and admissibility and to any  
9 and all objections on any ground that would require exclusion of any response if it were  
10 introduced in court. All evidentiary objections and grounds are expressly reserved.

11 TAIS's responses to the Requests are subject to the provisions of the Stipulated  
12 Protective Order that the Court entered on June 18, 2008 (the "Protective Order"). TAIS's  
13 responses are hereby designated "Confidential" in accordance with the provisions of the  
14 Protective Order.

### 15 **GENERAL OBJECTIONS**

16 1. TAIS objects to the Requests, including the Definitions and Instructions  
17 provided therein, to the extent they purport to impose obligations beyond those required or  
18 permitted by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil  
19 Proceedings before the United States District Court for the Northern District of California,  
20 or to the extent they are outside the scope of any order or opinion of this Court.

21 2. TAIS objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent they seek to impose on it discovery obligations exceeding the  
23 scope of the Discovery Protocol.

24 3. TAIS objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they call for the production of documents or information that  
26 relate to matters not raised by the pleadings, to the extent they are not material and  
27 necessary to the prosecution or defense of this action and to the extent they are not  
28 reasonably calculated to lead to the discovery of admissible evidence.

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1           4.       TAIS objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are overly broad, unduly burdensome, vague and/or  
3 ambiguous.

4           5.       TAIS objects to the Requests, including the Definitions and Instructions  
5 provided therein, to the extent they state and/or call for legal conclusions and/or admissions.

6           6.       TAIS objects to the Requests, including the Definitions and Instructions  
7 provided therein, to the extent they seek information or documents protected by the  
8 attorney-client privilege, work-product doctrine or any other applicable privilege,  
9 protection, immunity or rule (collectively, "Privileged Information"). TAIS will not  
10 disclose any Privileged Information in response to any Request. TAIS does not intend by  
11 this response to waive any claim of privilege or immunity. Any inadvertent production of  
12 such material or information is not intended to, and shall not, constitute a general or specific  
13 waiver in whole or in part of those privileges or protections as to material or information  
14 inadvertently produced or the subject matter thereof. Nor is any inadvertent production  
15 intended to, nor shall it, constitute a waiver of the right to object to any use of such  
16 document or information.

17           7.       TAIS objects to the Requests, including the Definitions and Instructions  
18 provided therein, to the extent they seek information, the disclosure of which would violate  
19 applicable law, including, but not limited to, privacy laws. In providing any response, TAIS  
20 does so only to the extent allowable under applicable law.

21           8.       TAIS objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent that they seek confidential, proprietary or trade secret  
23 information.

24           9.       TAIS objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they seek documents or electronic information, the disclosure  
26 of which is prohibited by contractual obligations or agreements between TAIS and third  
27 parties.  
28

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1           10.     TAIS objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are unduly burdensome and oppressive, or constitute an  
3 abuse of process in light of the costs imposed on TAIS weighed against Plaintiffs' need for  
4 the information.

5           11.     TAIS objects to the Requests, including the Definitions and Instructions  
6 provided therein, to the extent they seek disclosure of documents or information not  
7 reasonably accessible to TAIS.

8           12.     TAIS objects to the Requests, including the Definitions and Instructions  
9 provided therein, to the extent they seek the discovery of information regarding TAIS's  
10 sales outside of the United States and unrelated to United States commerce, as such sales  
11 are beyond the scope of this litigation and production of such information would render  
12 these requests overly broad, unduly burdensome, and not reasonably calculated to lead to  
13 the discovery of admissible evidence. TAIS also objects to the Requests to the extent they  
14 seek discovery of information that is beyond the scope of the Sherman Antitrust Act, 15  
15 U.S.C. § 1. TAIS will only produce responsive, non-privileged information and documents  
16 that relate to TAIS's sales, if any, of CRTs or CRT Products that are shipped to the United  
17 States or that relate to activity with a direct, substantial and reasonably foreseeable effect on  
18 U.S. commerce and that can be located through a reasonable search.

19           13.     TAIS objects to the Requests, including the Definitions and Instructions  
20 provided therein, to the extent they seek information, the disclosure of which is prohibited  
21 by law, regulation or order of a court or another authority of the foreign jurisdiction in  
22 which the documents or information are located.

23           14.     TAIS objects to the Requests, including the Definitions and Instructions  
24 provided therein, to the extent they seek disclosure of documents or information that are not  
25 within TAIS's possession, custody or control.

26           15.     TAIS objects to the Requests, including the Definitions and Instructions  
27 provided therein, to the extent they seek information which is equally accessible to  
28 Plaintiffs as to TAIS, or which have already been produced by other parties.

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1           16.     TAIS objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are cumulative to or duplicative of other Requests, or  
3 seek duplicative copies of the same document.

4           17.     TAIS's responses to the Requests are not intended to be, and shall not be  
5 construed as, an agreement or concurrence by TAIS with Plaintiffs' characterization of any  
6 facts, circumstances, or legal obligations. TAIS reserves the right to contest any such  
7 characterization. TAIS further objects to the Requests to the extent that they contain  
8 express or implied assumptions of fact or law with respect to matters at issue in the case.

9           18.     TAIS objects to the definition of "Document" because it is overly broad,  
10 unduly burdensome, and seeks information that is neither relevant nor reasonably calculated  
11 to lead to the discovery of admissible information. TAIS further objections to the definition  
12 of "Document" to the extent it purports to impose obligations beyond those required or  
13 permitted by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil  
14 Proceedings before the United States District Court for the Northern District of California or  
15 to the extent they are outside the scope of any order or opinion of this Court.

16           19.     TAIS objects to the definition of "you" and "your" because it is vague,  
17 overly broad and unduly burdensome, as it includes persons not controlled by TAIS, and as  
18 it seeks information that is neither relevant nor reasonably calculated to lead to the  
19 discovery of admissible information and, in addition, improperly purports to seek  
20 information from distinct corporate entities and persons not parties to the case and not  
21 controlled by TAIS. TAIS will interpret these terms to refer to TAIS only. TAIS further  
22 objects to the definition of "you" and "your" to the extent it seeks information or documents  
23 protected by the attorney-client privilege, work product doctrine or any other applicable  
24 privilege, protection, immunity, or rule.

25           20.     TAIS objects to the definition of "CRT" because it is vague, ambiguous,  
26 and overly broad.

27           21.     TAIS objects to the definition of "Relevant Time Period" to the extent that  
28 it exceeds the "Class Period" defined in the IPPs' Complaint, because it is overly broad,

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unduly burdensome, not relevant to any party's claim or defense, and not reasonably calculated to lead to the discovery of admissible evidence. TAIS also objects to the definition of "Relevant Time Period" because it is well beyond the relevant statute of limitations. TAIS further objects to the term "Relevant Time Period" to the extent that it seeks documents created after this litigation began. For the purposes of responding to these Requests, TAIS will interpret the term "Relevant Time Period" as referring to the "Class Period" defined in the IPPs' Complaint, which is March 1, 1995 to November 25, 2007.

22. TAIS objects to Instruction No. 1 because it is overly broad and unduly burdensome.

23. TAIS objects to Instruction Nos. 2-12 and 14-15 to the extent that they purport to impose obligations on TAIS beyond those required or permitted by the Federal Rules of Civil Procedure, the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California, or the Discovery Protocol, including, without limiting the foregoing, the burden of producing any documents or things that are not within TAIS's possession, custody, or control, in violation of Rule 34(a)(1) of the Federal Rules of Civil Procedure. TAIS also objects to Instruction No. 4 to the extent that it calls for the production of documents protected by either the attorney-client privilege or the attorney work-product doctrine.

24. TAIS objects to Instruction No. 13 with respect to the preparation of a privilege log because it is unduly burdensome and seeks more information than is required by Rule 26(b)(5)(A) of the Federal Rules of Civil Procedure.

### **OBJECTIONS AND RESPONSES TO SPECIFIC REQUESTS**

#### **REQUEST NO. 48:**

All documents reflecting discussions which led to the formation of MTPD.

#### **RESPONSE:**

In addition to its General Objections listed above, TAIS objects to Request No. 48 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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1 TAIS also objects to Request No. 48 to the extent it seeks “all documents” on the  
 2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 3 to the discovery of admissible evidence.

4 TAIS further objects to Request No. 48 because the term “formation” is vague.

5 Subject to and without waiving the objections stated above, TAIS refers Plaintiffs to  
 6 documents and information previously produced by TAIS in this litigation in response to  
 7 Interrogatory No. 7 of DPPs’ First Set of Interrogatories, Request No. 24 of IPPs’ Second  
 8 Set of Requests for Production of Documents, and Request No. 24 of DPPs’ Second Set of  
 9 Requests for Production of Documents.

10 **REQUEST NO. 49:**

11 All documents reflecting discussions regarding the decisions to shut down worldwide  
 12 CRT manufacturing facilities between 2003 and the present, for MTPD.

13 **RESPONSE:**

14 In addition to its General Objections listed above, TAIS objects to Request No. 49  
 15 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 16 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

17 TAIS also objects to Request No. 49 to the extent it seeks “all documents” on the  
 18 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 19 to the discovery of admissible evidence.

20 TAIS also objects to Request No. 49 to the extent that it seeks the disclosure of  
 21 documents or information that is not within TAIS’s possession, custody, or control.

22 TAIS further objects that its counsel is not in a position to respond to this Request on  
 23 behalf of MTPD, an entity that its counsel does not represent.

24 TAIS also objects to Request No. 49 to the extent that it seeks information beyond the  
 25 putative class period.

26 Subject to and without waiving the objections stated above, TAIS responds that, after  
 27 a reasonable search, it will produce non-privileged documents sufficient to show decisions  
 28



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1 to shut down worldwide CRT manufacturing facilities between 2003 and the present, for  
2 MTPD, if any exist.

3 **REQUEST NO. 50:**

4 All documents relating to discussions regarding Panasonic's acquisition of Toshiba's  
5 stake in MTPD in or around April 2007.

6 **RESPONSE:**

7 In addition to its General Objections listed above, TAIS objects to Request No. 50  
8 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
9 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

10 TAIS also objects to Request No. 50 to the extent it seeks "all documents" on the  
11 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
12 to the discovery of admissible evidence.

13 TAIS further objects to Request No. 50 on the ground that it is cumulative or  
14 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
15 Protocol, including Requests Nos. 9 and 10 of DAPs' First Set of Requests for Admissions  
16 and Interrogatory No. 1 of DAPs' First Set of Interrogatories.

17 Subject to and without waiving the objections stated above, TAIS responds that, after  
18 a reasonable search, it will produce non-privileged documents sufficient to show  
19 Panasonic's acquisition of Toshiba's stake in MTPD in or around April 2007, if any exist.

20 **REQUEST NO. 51:**

21 All documents relating to your due diligence regarding Panasonic's acquisition of  
22 Toshiba's stake in MTPD in or around April 2007.

23 **RESPONSE:**

24 In addition to its General Objections listed above, TAIS objects to Request No. 51  
25 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
26 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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1 TAIS also objects to Request No. 51 to the extent it seeks “all documents” on the  
2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
3 to the discovery of admissible evidence.

4 TAIS further objects to Request No. 51 on the ground that it is cumulative or  
5 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
6 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
7 No. 24 of DPPs’ Second Set of Requests for Production of Documents.

8 Subject to and without waiving the objections stated above, TAIS responds that it has  
9 no documents responsive to this request because TAIS did not conduct any such due  
10 diligence.

11 **REQUEST NO. 52:**

12 All documents including, without limitations, financial statements, reflecting  
13 contributions of assets and liabilities that MTPD received from you between 2003 and  
14 2009.

15 **RESPONSE:**

16 In addition to its General Objections listed above, TAIS objects to Request No. 52  
17 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
18 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

19 TAIS also objects to Request No. 52 to the extent it seeks “all documents” on the  
20 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
21 to the discovery of admissible evidence.

22 TAIS further objects to Request No. 52 to the extent that it seeks information beyond  
23 the putative class period.

24 TAIS further objects to Request No. 52 on the ground that it is cumulative or  
25 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
26 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
27 No. 24 of DPPs’ Second Set of Requests for Production of Documents.  
28

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1 Subject to and without waiving the objections stated above, TAIS responds that it has  
2 no documents responsive to this request because TAIS did not contribute any assets or  
3 liabilities to MTPD.

4 **REQUEST NO. 53:**

5 All MTPD's documents including, without limitations, financial statements,  
6 reflecting contributions of assets and liabilities that MTPD received from you between 2003  
7 and 2009.

8 **RESPONSE:**

9 In addition to its General Objections listed above, TAIS objects to Request No. 53  
10 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
11 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

12 TAIS also objects to Request No. 53 to the extent it seeks "all MTPD's documents"  
13 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
14 lead to the discovery of admissible evidence.

15 TAIS further objects to Request No. 53 to the extent that it seeks the disclosure of  
16 documents or information that is not within TAIS's possession, custody, or control.

17 TAIS further objects to Request No. 53 to the extent that it seeks information beyond  
18 the putative class period.

19 TAIS further objects that its counsel is not in a position to respond to this Request on  
20 behalf of MTPD, an entity that its counsel does not represent.

21 TAIS further objects to Request No. 53 on the ground that it is cumulative or  
22 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
23 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
24 No. 24 of DPPs' Second Set of Requests for Production of Documents.

25 Subject to and without waiving the objections stated above, TAIS responds that it has  
26 no documents responsive to this request because TAIS did not contribute any assets or  
27 liabilities to MTPD.

28

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**CONFIDENTIAL****REQUEST NO. 54:**

All documents relating to payments of dividends or other profits paid by MTPD to you between 2003 and 2009.

**RESPONSE:**

In addition to its General Objections listed above, TAIS objects to Request No. 54 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAIS also objects to Request No. 54 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAIS also objects to the term “other profits” because it is vague, overly broad and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAIS further objects to Request No. 54 to the extent it seeks the disclosure of documents or information which is equally accessible to the Plaintiffs as to Toshiba Corp, or which has already been produced by other parties.

TAIS further objects to Request No. 54 to the extent that it seeks information beyond the putative class period.

TAIS further objects to Request No. 54 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request No. 24 of DPPs’ Second Request for Production of Documents.

Subject to and without waiving the objections stated above, TAIS responds that it has no documents responsive to this request because it did not receive dividends or profits from MTPD between 2003 and 2009.

**REQUEST NO. 55:**

All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009 which were submitted to you, including but not limited to those used for the monthly business unit meetings conducted at PAVC. See Tobinaga 30(b)(6) Tr. 22:25-28:12.

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**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TAIS objects to Request No. 55 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAIS objects to the terms “business plans, reports, and forecasts” because they are vague, overbroad, and unduly burdensome.

TAIS also objects to Request No. 55 to the extent that it seeks information beyond the putative class period. TAIS will only respond to this Request within the putative class period.

TAIS further objects to Request No. 55 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of Documents.

Subject to and without waiving the objections stated above, TAIS responds that, after a reasonable search, it will produce non-privileged documents sufficient to show business plans, reports, and forecasts prepared by MTPD that were submitted to TAIS during the putative class period, if any exist.

**REQUEST NO. 56:**

All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009 which were submitted to you, including but not limited to those used to create your business plans.

**RESPONSE:**

In addition to its General Objections listed above, TAIS objects to Request No. 56 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAIS objects to the terms “business plans, reports, and forecasts” because they are vague, overbroad, and unduly burdensome.

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1       TAIS also objects to Request No. 56 to the extent that it seeks information beyond the  
2 putative class period. TAIS will only respond to this Request within the putative class  
3 period.

4       TAIS further objects to Request No. 56 to the extent that it assumes that TAIS used  
5 “business plans, reports, and forecasts prepared by MTPD” to create its business plans  
6 without providing the basis for such an assumption.

7       TAIS further objects to Request No. 56 on the ground that it is cumulative or  
8 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
9 Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of  
10 Documents.

11       Subject to and without waiving the objections stated above, TAIS responds that, after  
12 a reasonable search, it will produce non-privileged documents sufficient to show business  
13 plans, reports, and forecasts prepared by MTPD that were submitted to TAIS during the  
14 putative class period, if any exist.

15  
16 **REQUEST NO. 57:**

17       All documents relating to the rules and policies of any board or committee governing  
18 MTPD from 2003 to 2009.

19 **RESPONSE:**

20       In addition to its General Objections listed above, TAIS objects to Request No. 57  
21 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
22 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

23       TAIS also objects to Request No. 57 to the extent it seeks “all documents” on the  
24 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
25 to the discovery of admissible evidence.

26       TAIS objects to the terms “rules and policies” because they are vague, overbroad, and  
27 unduly burdensome.

28

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1 TAIS also objects to Request No. 57 to the extent that it seeks the disclosure of  
2 documents or information that is not within TAIS's possession, custody, or control.

3 TAIS further objects that its counsel is not in a position to respond to this Request on  
4 behalf of MTPD, an entity that its counsel does not represent.

5 TAIS also objects to Request No. 57 to the extent that it seeks information beyond the  
6 putative class period.

7 TAIS further objects to Request No. 57 on the ground that it is cumulative or  
8 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
9 Protocol, including Interrogatory No. 15 of DAPs' First Set of Interrogatories.

10 Subject to and without waiving the objections stated above, TAIS responds that, after  
11 a reasonable search, it will produce non-privileged documents sufficient to show the rules  
12 and policies of any board or committee governing MTPD that TAIS received during the  
13 putative class period, if any exist.

14 **REQUEST NO. 58:**

15 All documents relating to your assistance or participation in the procurement of any  
16 loans or other capital from third parties during the Relevant Time Period including, without  
17 limitations, any guarantees you made, for MTPD.

18 **RESPONSE:**

19 In addition to its General Objections listed above, TAIS objects to Request No. 58  
20 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
21 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

22 TAIS also objects to Request No. 58 to the extent it seeks "all documents" on the  
23 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
24 to the discovery of admissible evidence.

25 TAIS objects to the term "guarantees" because it is vague, overbroad, and unduly  
26 burdensome.

27 TAIS further objects to Request No. 58 to the extent that it seeks the disclosure of  
28 documents or information that is not within TAIS's possession, custody, or control.

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1 TAIS further objects to Request No. 58 to the extent that it seeks information beyond  
2 the putative class period.

3 TAIS further objects to Request No. 58 on the ground that it is cumulative or  
4 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
5 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
6 No. 24 of DPPs' Second Set of Requests for Production of Documents.

7 Subject to and without waiving the objections stated above, TAIS responds that, after  
8 a reasonable search, it will produce non-privileged documents sufficient to show TAIS's  
9 assistance or participation in the procurement of any loans or other capital from third  
10 parties during the putative class period for MTPD, if any exist.

11 **REQUEST NO. 59:**

12 All documents relating to the pricing or prices of CRTs you purchased from MTPD  
13 during the Relevant Time Period including, without limitations, any pricing negotiations,  
14 price lists, and any agreements by you to pay in advance for the delivery of CRTs you  
15 bought.

16 **RESPONSE:**

17 In addition to its General Objections listed above, TAIS objects to Request No. 59  
18 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

20 TAIS also objects to Request No. 59 to the extent it seeks "all documents" on the  
21 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
22 to the discovery of admissible evidence.

23 TAIS objects to the term "CRTs" because it is vague, overbroad, and unduly  
24 burdensome.

25 TAIS also objects to Request No. 59 to the extent that it seeks the disclosure of  
26 documents or information that is not within TAIS's possession, custody, or control.

27

28



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1       TAIS also objects to Request No. 59 to the extent that it seeks information beyond the  
2 putative class period. TAIS will only respond to this Request within the putative class  
3 period.

4       TAIS also objects to Request No. 59 to the extent it seeks information regarding  
5 purchases outside the United States and unrelated to United States commerce, as such  
6 purchases are beyond the scope of this litigation and requesting such information renders  
7 Request No. 59 overly broad, unduly burdensome, and not reasonably calculated to lead to  
8 the discovery of admissible evidence.

9       TAIS further objects to Request No. 59 on the ground that it is cumulative or  
10 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
11 Protocol, including Interrogatories Nos. 11 and 12 of IPPs and DPPs' Interrogatories on  
12 Toshiba Defendants and Request No. 14 of the IPPs' Second Request for Production of  
13 Documents.

14       Subject to and without waiving the objections stated above, TAIS responds that it has  
15 no documents responsive to this request because TAIS did not purchase CRTs during the  
16 relevant period.

17 **REQUEST NO. 60:**

18       All documents relating to insurance policies covering MTPD and/or their respective  
19 employee(s) including, without limitations, documents relating to the payment of those  
20 insurance premiums.

21 **RESPONSE:**

22       In addition to its General Objections listed above, TAIS objects to Request No. 60  
23 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
24 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

25       TAIS also objects to Request No. 60 to the extent it seeks "all documents" on the  
26 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
27 to the discovery of admissible evidence.  
28

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1 TAIS further objects to Request No. 60 to the extent that it seeks the disclosure of  
2 documents or information that is not within TAIS's possession, custody, or control.

3 TAIS further objects that its counsel is not in a position to respond to this Request on  
4 behalf of MTPD, an entity that its counsel does not represent.

5 TAIS further objects to Request No. 60 to the extent that it seeks information beyond  
6 the putative class period.

7 Subject to and without waiving the objections stated above, TAIS responds that, after  
8 a reasonable search, it will produce non-privileged documents sufficient to show insurance  
9 policies covering MTPD, if any exist.

10 **REQUEST NO. 61:**

11 All documents relating to or constituting any periodic reports provided by MTPD to  
12 you.

13 **RESPONSE:**

14 In addition to its General Objections listed above, TAIS objects to Request No. 61  
15 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
16 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

17 TAIS objects to the term "periodic reports" because it is vague, overbroad, and  
18 unduly burdensome.

19 TAIS also objects to Request No. 61 to the extent that it seeks information beyond the  
20 putative class period. TAIS will only respond to this Request within the putative class  
21 period.

22 TAIS further objects to Request No. 61 on the ground that it is cumulative or  
23 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
24 Protocol, including Request No. 17 of DPPs' Second Set of Requests for Production of  
25 Documents.

26 Subject to and without waiving the objections stated above, TAIS responds that, after  
27 a reasonable search, it will produce non-privileged documents sufficient to show periodic  
28 reports provided by MTPD to TAIS, if any exist.

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**CONFIDENTIAL****REQUEST NO. 62:**

All documents relating to or constituting statements to any Governmental Antitrust Authority relating to CRTs by any Employees of the following entities:

- i. You; and/or
- ii. MTPD.

**RESPONSE:**

In addition to its General Objections listed above, TAIS objects to Request No. 62 because it is vague, overly broad, unduly burdensome, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence.

TAIS also objects to Request No. 62 to the extent that it seeks the disclosure of information that is not within TAIS's possession, custody, or control.

TAIS further objects that its counsel is not in a position to respond to this Request on behalf of MTPD, an entity that its counsel does not represent.

TAIS objects to the term "Governmental Antitrust Authority" because it is vague, overbroad, and unduly burdensome

TAIS also objects to Request No. 62 to the extent that it seeks confidential information, the disclosure of which is prohibited by a law, regulation, or order of a court or another authority of a foreign jurisdiction in which the information is located.

TAIS also objects to Request No. 62 because it seeks to invade the confidentiality of government investigations.

Subject to and without waiving the objections stated above, TAIS states that it is not aware of documents relating to or constituting statements from its employees to the United States Department of Justice related to CRTs.

**REQUEST NO. 63:**

All documents relating to or constituting statements to any Governmental Antitrust Authority relating to CRTs by any employee of any Defendant.

**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TAIS objects to Request No. 63 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAIS also objects to Request No. 63 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAIS also objects to Request No. 63 to the extent that it seeks the disclosure of documents or information that is not within TAIS’s possession, custody, or control.

TAIS further objects that its counsel is not in a position to respond to this Request on behalf of other Defendants, whom its counsel does not represent.

TAIS objects to the term “Governmental Antitrust Authority” because it is vague, overbroad, and unduly burdensome.

TAIS also objects to Request No. 63 to the extent that it seeks confidential information, the disclosure of which is prohibited by a law, regulation, or order of a court or another authority of a foreign jurisdiction in which the information is located.

TAIS also objects to Request No. 63 because it seeks to invade the confidentiality of government investigations.

Subject to and without waiving the objections stated above, TAIS states that it is not aware of documents relating to or constituting statements from any Defendant to the United States Department of Justice related to CRTs.

**REQUEST NO. 64:**

All documents from 2000 to 2003 concerning your analyses of LP Displays International, Ltd. (f/k/a LG.Philips Displays)’s business model and your information exchange with LP Displays regarding the formation of MTPD.

**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TAIS objects to Request No. 64 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAIS also objects to Request No. 64 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAIS also objects to Request No. 64 to the extent that it seeks the disclosure of documents or information that is not within TAIS’s possession, custody, or control.

TAIS objects to the terms “analyses” and “information exchange” because they are vague, overbroad, and unduly burdensome.

TAIS further objects to Request No. 64 to the extent that it assumes that TAIS exchanged information with LP Displays without providing the basis for such an assumption.

Subject to and without waiving the objections stated above, TAIS responds that, after a reasonable search, it will produce non-privileged documents sufficient to show its analysis of LP Displays International, Ltd.’s business model, if any exist.

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Dated: September 5, 2014

**WHITE & CASE<sub>LLP</sub>**

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**CONFIDENTIAL****CERTIFICATE OF SERVICE**

On September 5, 2014, I caused a copy of the "TOSHIBA AMERICA INFORMATION SYSTEMS, INC.'S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER PLAINTIFFS' FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS" to be served via e-mail upon:

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TOSHIBA INFORMATION SYSTEMS, INC.'S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER PLAINTIFFS' FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
Case No. 07-5944 SC  
MDL No. 1917

CONFIDENTIAL

ALL DEFENSE COUNSEL



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# **Exhibit 5-D**

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 (SAN FRANCISCO DIVISION)

17 IN RE: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

19 Case No. 07-5944 SC  
20 MDL No. 1917

21 This Document Relates to:  
22 ALL INDIRECT PURCHASER ACTIONS

23 **TOSHIBA AMERICA**  
24 **CONSUMER PRODUCTS,**  
25 **L.L.C.'S OBJECTIONS AND**  
26 **RESPONSES TO INDIRECT**  
27 **PURCHASER PLAINTIFFS'**  
28 **FOURTH SET OF REQUESTS**  
**FOR PRODUCTION OF**  
**DOCUMENTS**

TOSHIBA AMERICA CONSUMER PRODUCTS, L.L.C.'S OBJECTIONS AND RESPONSES TO  
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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's  
2 April 3, 2014 Order re Discovery and Case Management Protocol (as modified by the Court  
3 on March 12, 2013) (collectively, the "Discovery Protocol"), Defendant America Consumer  
4 Products, L.L.C. ("TACP") hereby serves the following Objections and Responses to  
5 Indirect Purchaser Plaintiffs' Fourth Set of Requests for Production of Documents from  
6 Toshiba Defendants, dated August 1, 2014 (the "Requests").

7 Each of the following responses is made only for purposes of this action. Each  
8 response is subject to all objections as to relevance, materiality and admissibility and to any  
9 and all objections on any ground that would require exclusion of any response if it were  
10 introduced in court. All evidentiary objections and grounds are expressly reserved.

11 TACP's responses to the Requests are subject to the provisions of the Stipulated  
12 Protective Order that the Court entered on June 18, 2008 (the "Protective Order"). TACP's  
13 responses are hereby designated "Confidential" in accordance with the provisions of the  
14 Protective Order.

### 15 **GENERAL OBJECTIONS**

16 1. TACP objects to the Requests, including the Definitions and Instructions  
17 provided therein, to the extent they purport to impose obligations beyond those required or  
18 permitted by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil  
19 Proceedings before the United States District Court for the Northern District of California,  
20 or to the extent they are outside the scope of any order or opinion of this Court.

21 2. TACP objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent they seek to impose on it discovery obligations exceeding the  
23 scope of the Discovery Protocol.

24 3. TACP objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they call for the production of documents or information that  
26 relate to matters not raised by the pleadings, to the extent they are not material and  
27 necessary to the prosecution or defense of this action and to the extent they are not  
28 reasonably calculated to lead to the discovery of admissible evidence.

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1           4.       TACP objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are overly broad, unduly burdensome, vague and/or  
3 ambiguous.

4           5.       TACP objects to the Requests, including the Definitions and Instructions  
5 provided therein, to the extent they state and/or call for legal conclusions and/or admissions.

6           6.       TACP objects to the Requests, including the Definitions and Instructions  
7 provided therein, to the extent they seek information or documents protected by the  
8 attorney-client privilege, work-product doctrine or any other applicable privilege,  
9 protection, immunity or rule (collectively, "Privileged Information"). TACP will not  
10 disclose any Privileged Information in response to any Request. TACP does not intend by  
11 this response to waive any claim of privilege or immunity. Any inadvertent production of  
12 such material or information is not intended to, and shall not, constitute a general or specific  
13 waiver in whole or in part of those privileges or protections as to material or information  
14 inadvertently produced or the subject matter thereof. Nor is any inadvertent production  
15 intended to, nor shall it, constitute a waiver of the right to object to any use of such  
16 document or information.

17           7.       TACP objects to the Requests, including the Definitions and Instructions  
18 provided therein, to the extent they seek information, the disclosure of which would violate  
19 applicable law, including, but not limited to, privacy laws. In providing any response,  
20 TACP does so only to the extent allowable under applicable law.

21           8.       TACP objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent that they seek confidential, proprietary or trade secret  
23 information.

24           9.       TACP objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they seek documents or electronic information, the disclosure  
26 of which is prohibited by contractual obligations or agreements between TACP and third  
27 parties.

28  
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1           10. TACP objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are unduly burdensome and oppressive, or constitute an  
3 abuse of process in light of the costs imposed on TACP weighed against Plaintiffs' need for  
4 the information.

5           11. TACP objects to the Requests, including the Definitions and Instructions  
6 provided therein, to the extent they seek disclosure of documents or information not  
7 reasonably accessible to TACP.

8           12. TACP objects to the Requests, including the Definitions and Instructions  
9 provided therein, to the extent they seek the discovery of information regarding TACP's  
10 sales outside of the United States and unrelated to United States commerce, as such sales  
11 are beyond the scope of this litigation and production of such information would render  
12 these requests overly broad, unduly burdensome, and not reasonably calculated to lead to  
13 the discovery of admissible evidence. TACP also objects to the Requests to the extent they  
14 seek discovery of information that is beyond the scope of the Sherman Antitrust Act, 15  
15 U.S.C. § 1. TACP will only produce responsive, non-privileged information and documents  
16 that relate to TACP's sales, if any, of CRTs or CRT Products that are shipped to the United  
17 States or that relate to activity with a direct, substantial and reasonably foreseeable effect on  
18 U.S. commerce and that can be located through a reasonable search.

19           13. TACP objects to the Requests, including the Definitions and Instructions  
20 provided therein, to the extent they seek information, the disclosure of which is prohibited  
21 by law, regulation or order of a court or another authority of the foreign jurisdiction in  
22 which the documents or information are located.

23           14. TACP objects to the Requests, including the Definitions and Instructions  
24 provided therein, to the extent they seek disclosure of documents or information that are not  
25 within TACP's possession, custody or control.

26           15. TACP objects to the Requests, including the Definitions and Instructions  
27 provided therein, to the extent they seek information which is equally accessible to  
28 Plaintiffs as to TACP, or which have already been produced by other parties.

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1           16. TACP objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are cumulative to or duplicative of other Requests, or  
3 seek duplicative copies of the same document.

4           17. TACP's responses to the Requests are not intended to be, and shall not be  
5 construed as, an agreement or concurrence by TACP with Plaintiffs' characterization of any  
6 facts, circumstances, or legal obligations. TACP reserves the right to contest any such  
7 characterization. TACP further objects to the Requests to the extent that they contain  
8 express or implied assumptions of fact or law with respect to matters at issue in the case.

9           18. TACP objects to the definition of "Document" because it is overly broad,  
10 unduly burdensome, and seeks information that is neither relevant nor reasonably calculated  
11 to lead to the discovery of admissible information. TACP further objections to the  
12 definition of "Document" to the extent it purports to impose obligations beyond those  
13 required or permitted by the Federal Rules of Civil Procedure and the Local Rules of  
14 Practice in Civil Proceedings before the United States District Court for the Northern  
15 District of California or to the extent they are outside the scope of any order or opinion of  
16 this Court.

17           19. TACP objects to the definition of "you" and "your" because it is vague,  
18 overly broad and unduly burdensome, as it includes persons not controlled by TACP, and as  
19 it seeks information that is neither relevant nor reasonably calculated to lead to the  
20 discovery of admissible information and, in addition, improperly purports to seek  
21 information from distinct corporate entities and persons not parties to the case and not  
22 controlled by TACP. TACP will interpret these terms to refer to TACP only. TACP further  
23 objects to the definition of "you" and "your" to the extent it seeks information or documents  
24 protected by the attorney-client privilege, work product doctrine or any other applicable  
25 privilege, protection, immunity, or rule.

26           20. TACP objects to the definition of "CRT" because it is vague, ambiguous,  
27 and overly broad.

28  
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21. TACP objects to the definition of “Relevant Time Period” to the extent that it exceeds the “Class Period” defined in the IPPs’ Complaint, because it is overly broad, unduly burdensome, not relevant to any party’s claim or defense, and not reasonably calculated to lead to the discovery of admissible evidence. TACP also objects to the definition of “Relevant Time Period” because it is well beyond the relevant statute of limitations. TACP further objects to the term “Relevant Time Period” to the extent that it seeks documents created after this litigation began. For the purposes of responding to these Requests, TACP will interpret the term “Relevant Time Period” as referring to the “Class Period” defined in the IPPs’ Complaint, which is March 1, 1995 to November 25, 2007.

22. TACP objects to Instruction No. 1 because it is overly broad and unduly burdensome.

23. TACP objects to Instruction Nos. 2-12 and 14-15 to the extent that they purport to impose obligations on TACP beyond those required or permitted by the Federal Rules of Civil Procedure, the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California, or the Discovery Protocol, including, without limiting the foregoing, the burden of producing any documents or things that are not within TACP’s possession, custody, or control, in violation of Rule 34(a)(1) of the Federal Rules of Civil Procedure. TACP also objects to Instruction No. 4 to the extent that it calls for the production of documents protected by either the attorney-client privilege or the attorney work-product doctrine.

24. TACP objects to Instruction No. 13 with respect to the preparation of a privilege log because it is unduly burdensome and seeks more information than is required by Rule 26(b)(5)(A) of the Federal Rules of Civil Procedure.

### **OBJECTIONS AND RESPONSES TO SPECIFIC REQUESTS**

#### **REQUEST NO. 48:**

All documents reflecting discussions which led to the formation of MTPD.

#### **RESPONSE:**

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1 In addition to its General Objections listed above, TACP objects to Request No. 48  
2 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
3 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4 TACP also objects to Request No. 48 to the extent it seeks “all documents” on the  
5 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
6 to the discovery of admissible evidence.

7 TACP further objects to Request No. 48 because the term “formation” is vague.

8 Subject to and without waiving the objections stated above, TACP refers Plaintiffs to  
9 documents and information previously produced by TACP in this litigation in response to  
10 Interrogatory No. 7 of DPPs’ First Set of Interrogatories, Request No. 24 of IPPs’ Second  
11 Set of Requests for Production of Documents, and Request No. 24 of DPPs’ Second Set of  
12 Requests for Production of Documents.

13 **REQUEST NO. 49:**

14 All documents reflecting discussions regarding the decisions to shut down worldwide  
15 CRT manufacturing facilities between 2003 and the present, for MTPD.

16 **RESPONSE:**

17 In addition to its General Objections listed above, TACP objects to Request No. 49  
18 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

20 TACP also objects to Request No. 49 to the extent it seeks “all documents” on the  
21 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
22 to the discovery of admissible evidence.

23 TACP also objects to Request No. 49 to the extent that it seeks the disclosure of  
24 documents or information that is not within TACP’s possession, custody, or control.

25 TACP further objects that its counsel is not in a position to respond to this Request on  
26 behalf of MTPD, an entity that its counsel does not represent.

27 TACP also objects to Request No. 49 to the extent that it seeks information beyond  
28 the putative class period.

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1 Subject to and without waiving the objections stated above, TACP responds that, after  
 2 a reasonable search, it will produce non-privileged documents sufficient to show decisions  
 3 to shut down worldwide CRT manufacturing facilities between 2003 and the present, for  
 4 MTPD, if any exist.

5 **REQUEST NO. 50:**

6 All documents relating to discussions regarding Panasonic's acquisition of Toshiba's  
 7 stake in MTPD in or around April 2007.

8 **RESPONSE:**

9 In addition to its General Objections listed above, TACP objects to Request No. 50  
 10 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 11 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

12 TACP also objects to Request No. 50 to the extent it seeks "all documents" on the  
 13 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 14 to the discovery of admissible evidence.

15 TACP further objects to Request No. 50 on the ground that it is cumulative or  
 16 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 17 Protocol, including Requests Nos. 9 and 10 of DAPs' First Set of Requests for Admissions  
 18 and Interrogatory No. 1 of DAPs' First Set of Interrogatories.

19 Subject to and without waiving the objections stated above, TACP responds that, after  
 20 a reasonable search, it will produce non-privileged documents sufficient to show  
 21 Panasonic's acquisition of Toshiba's stake in MTPD in or around April 2007, if any exist.

22 **REQUEST NO. 51:**

23 All documents relating to your due diligence regarding Panasonic's acquisition of  
 24 Toshiba's stake in MTPD in or around April 2007.

25 **RESPONSE:**

26 In addition to its General Objections listed above, TACP objects to Request No. 51  
 27 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 28 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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1 TACP also objects to Request No. 51 to the extent it seeks “all documents” on the  
2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
3 to the discovery of admissible evidence.

4 TACP further objects to Request No. 51 on the ground that it is cumulative or  
5 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
6 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
7 No. 24 of DPPs’ Second Set of Requests for Production of Documents.

8 Subject to and without waiving the objections stated above, TACP responds that, after  
9 a reasonable search, it will produce non-privileged documents sufficient to show TACP’s  
10 due diligence regarding Panasonic’s acquisition of Toshiba’s stake in MTPD in or around  
11 April 2007, if any exist.

12 **REQUEST NO. 52:**

13 All documents including, without limitations, financial statements, reflecting  
14 contributions of assets and liabilities that MTPD received from you between 2003 and  
15 2009.

16 **RESPONSE:**

17 In addition to its General Objections listed above, TACP objects to Request No. 52  
18 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

20 TACP also objects to Request No. 52 to the extent it seeks “all documents” on the  
21 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
22 to the discovery of admissible evidence.

23 TACP further objects to Request No. 52 to the extent that it seeks information beyond  
24 the putative class period.

25 TACP further objects to Request No. 52 on the ground that it is cumulative or  
26 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
27 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
28 No. 24 of DPPs’ Second Set of Requests for Production of Documents.

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1 Subject to and without waiving the objections stated above, TACP responds that, after  
 2 a reasonable search, it will produce non-privileged documents sufficient to show  
 3 contributions of assets and liabilities that MTPD received from TACP between 2003 and  
 4 2009, if any exist.

5 **REQUEST NO. 53:**

6 All MTPD's documents including, without limitations, financial statements,  
 7 reflecting contributions of assets and liabilities that MTPD received from you between 2003  
 8 and 2009.

9 **RESPONSE:**

10 In addition to its General Objections listed above, TACP objects to Request No. 53  
 11 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 12 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

13 TACP also objects to Request No. 53 to the extent it seeks "all MTPD's documents"  
 14 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
 15 lead to the discovery of admissible evidence.

16 TACP further objects to Request No. 53 to the extent that it seeks the disclosure of  
 17 documents or information that is not within TACP's possession, custody, or control.

18 TACP further objects to Request No. 53 to the extent that it seeks information beyond  
 19 the putative class period.

20 TACP further objects that its counsel is not in a position to respond to this Request on  
 21 behalf of MTPD, an entity that its counsel does not represent.

22 TACP further objects to Request No. 53 on the ground that it is cumulative or  
 23 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 24 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
 25 No. 24 of DPPs' Second Set of Requests for Production of Documents.

26 Subject to and without waiving the objections stated above, TACP responds that, after  
 27 a reasonable search, it will produce non-privileged documents sufficient to show  
 28

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1 contributions of assets and liabilities that MTPD received from TACP between 2003 and  
2 2009, if any exist.

3 **REQUEST NO. 54:**

4 All documents relating to payments of dividends or other profits paid by MTPD to  
5 you between 2003 and 2009.

6 **RESPONSE:**

7 In addition to its General Objections listed above, TACP objects to Request No. 54  
8 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
9 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

10 TACP also objects to Request No. 54 to the extent it seeks “all documents” on the  
11 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
12 to the discovery of admissible evidence.

13 TACP also objects to the term “other profits” because it is vague, overly broad and  
14 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

15 TACP further objects to Request No. 54 to the extent it seeks the disclosure of  
16 documents or information which is equally accessible to the Plaintiffs as to Toshiba Corp,  
17 or which has already been produced by other parties.

18 TACP further objects to Request No. 54 to the extent that it seeks information beyond  
19 the putative class period.

20 TACP further objects to Request No. 54 on the ground that it is cumulative or  
21 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
22 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
23 No. 24 of DPPs’ Second Request for Production of Documents.

24 Subject to and without waiving the objections stated above, TACP responds that, after  
25 a reasonable search, it will produce non-privileged documents from the putative class  
26 period sufficient to show payments of dividends or other profits paid by MTPD to TACP  
27 between 2003 and 2009, if any exist.

28  
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**CONFIDENTIAL****REQUEST NO. 55:**

All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009 which were submitted to you, including but not limited to those used for the monthly business unit meetings conducted at PAVC. See Tobinaga 30(b)(6) Tr. 22:25-28:12.

**RESPONSE:**

In addition to its General Objections listed above, TACP objects to Request No. 55 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TACP objects to the terms “business plans, reports, and forecasts” because they are vague, overbroad, and unduly burdensome.

TACP also objects to Request No. 55 to the extent that it seeks information beyond the putative class period. TACP will only respond to this Request within the putative class period.

TACP further objects to Request No. 55 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of Documents.

Subject to and without waiving the objections stated above, TACP responds that, after a reasonable search, it will produce non-privileged documents sufficient to show business plans, reports, and forecasts prepared by MTPD that were submitted to TACP during the putative class period, if any exist.

**REQUEST NO. 56:**

All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009 which were submitted to you, including but not limited to those used to create your business plans.

**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TACP objects to Request No. 56 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TACP objects to the terms “business plans, reports, and forecasts” because they are vague, overbroad, and unduly burdensome.

TACP also objects to Request No. 56 to the extent that it seeks information beyond the putative class period. TACP will only respond to this Request within the putative class period.

TACP further objects to Request No. 56 to the extent that it assumes that TACP used “business plans, reports, and forecasts prepared by MTPD” to create its business plans without providing the basis for such an assumption.

TACP further objects to Request No. 56 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of Documents.

Subject to and without waiving the objections stated above, TACP responds that, after a reasonable search, it will produce non-privileged documents sufficient to show business plans, reports, and forecasts prepared by MTPD that were submitted to TACP during the putative class period, if any exist.

**REQUEST NO. 57:**

All documents relating to the rules and policies of any board or committee governing MTPD from 2003 to 2009.

**RESPONSE:**

In addition to its General Objections listed above, TACP objects to Request No. 57 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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1 TACP also objects to Request No. 57 to the extent it seeks “all documents” on the  
 2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 3 to the discovery of admissible evidence.

4 TACP objects to the terms “rules and policies” because they are vague, overbroad,  
 5 and unduly burdensome.

6 TACP also objects to Request No. 57 to the extent that it seeks the disclosure of  
 7 documents or information that is not within TACP’s possession, custody, or control.

8 TACP further objects that its counsel is not in a position to respond to this Request on  
 9 behalf of MTPD, an entity that its counsel does not represent.

10 TACP also objects to Request No. 57 to the extent that it seeks information beyond  
 11 the putative class period.

12 TACP further objects to Request No. 57 on the ground that it is cumulative or  
 13 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 14 Protocol, including Interrogatory No. 15 of DAPs’ First Set of Interrogatories.

15 Subject to and without waiving the objections stated above, TACP responds that, after  
 16 a reasonable search, it will produce non-privileged documents sufficient to show the rules  
 17 and policies of any board or committee governing MTPD that TACP received during the  
 18 putative class period, if any exist.

19 **REQUEST NO. 58:**

20 All documents relating to your assistance or participation in the procurement of any  
 21 loans or other capital from third parties during the Relevant Time Period including, without  
 22 limitations, any guarantees you made, for MTPD.

23 **RESPONSE:**

24 In addition to its General Objections listed above, TACP objects to Request No. 58  
 25 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 26 relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
 27  
 28

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1 TACP also objects to Request No. 58 to the extent it seeks “all documents” on the  
 2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 3 to the discovery of admissible evidence.

4 TACP objects to the term “guarantees” because it is vague, overbroad, and unduly  
 5 burdensome.

6 TACP further objects to Request No. 58 to the extent that it seeks the disclosure of  
 7 documents or information that is not within TACP’s possession, custody, or control.

8 TACP further objects to Request No. 58 to the extent that it seeks information beyond  
 9 the putative class period.

10 TACP further objects to Request No. 58 on the ground that it is cumulative or  
 11 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 12 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
 13 No. 24 of DPPs’ Second Set of Requests for Production of Documents.

14 Subject to and without waiving the objections stated above, TACP responds that, after  
 15 a reasonable search, it will produce non-privileged documents sufficient to show TACP’s  
 16 assistance or participation in the procurement of any loans or other capital from third  
 17 parties during the putative class period for MTPD, if any exist.

18 **REQUEST NO. 59:**

19 All documents relating to the pricing or prices of CRTs you purchased from MTPD  
 20 during the Relevant Time Period including, without limitations, any pricing negotiations,  
 21 price lists, and any agreements by you to pay in advance for the delivery of CRTs you  
 22 bought.

23 **RESPONSE:**

24 In addition to its General Objections listed above, TACP objects to Request No. 59  
 25 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 26 relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
 27  
 28

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1 TACP also objects to Request No. 59 to the extent it seeks “all documents” on the  
2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
3 to the discovery of admissible evidence.

4 TACP objects to the term “CRTs” because it is vague, overbroad, and unduly  
5 burdensome.

6 TACP also objects to Request No. 59 to the extent that it seeks the disclosure of  
7 documents or information that is not within TACP’s possession, custody, or control.

8 TACP also objects to Request No. 59 to the extent that it seeks information beyond  
9 the putative class period. TACP will only respond to this Request within the putative class  
10 period.

11 TACP also objects to Request No. 59 to the extent it seeks information regarding  
12 purchases outside the United States and unrelated to United States commerce, as such  
13 purchases are beyond the scope of this litigation and requesting such information renders  
14 Request No. 59 overly broad, unduly burdensome, and not reasonably calculated to lead to  
15 the discovery of admissible evidence.

16 Subject to and without waiving the objections stated above, TACP refers Plaintiffs to  
17 its responses to Interrogatories Nos. 11 and 12 of IPPs and DPPs’ Interrogatories on  
18 Toshiba Defendants and Request No. 14 of the IPPs’ Second Request for Production of  
19 Documents.

20 **REQUEST NO. 60:**

21 All documents relating to insurance policies covering MTPD and/or their respective  
22 employee(s) including, without limitations, documents relating to the payment of those  
23 insurance premiums.

24 **RESPONSE:**

25 In addition to its General Objections listed above, TACP objects to Request No. 60  
26 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
27 relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
28

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1 TACP also objects to Request No. 60 to the extent it seeks “all documents” on the  
2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
3 to the discovery of admissible evidence.

4 TACP further objects to Request No. 60 to the extent that it seeks the disclosure of  
5 documents or information that is not within TACP’s possession, custody, or control.

6 TACP further objects that its counsel is not in a position to respond to this Request on  
7 behalf of MTPD, an entity that its counsel does not represent.

8 TACP further objects to Request No. 60 to the extent that it seeks information beyond  
9 the putative class period.

10 Subject to and without waiving the objections stated above, TACP responds that, after  
11 a reasonable search, it will produce non-privileged documents sufficient to show insurance  
12 policies covering MTPD, if any exist.

13 **REQUEST NO. 61:**

14 All documents relating to or constituting any periodic reports provided by MTPD to  
15 you.

16 **RESPONSE:**

17 In addition to its General Objections listed above, TACP objects to Request No. 61  
18 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

20 TACP objects to the term “periodic reports” because it is vague, overbroad, and  
21 unduly burdensome.

22 TACP also objects to Request No. 61 to the extent that it seeks information beyond  
23 the putative class period. TACP will only respond to this Request within the putative class  
24 period.

25 TACP further objects to Request No. 61 on the ground that it is cumulative or  
26 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
27 Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of  
28 Documents.

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1 Subject to and without waiving the objections stated above, TACP responds that, after  
 2 a reasonable search, it will produce non-privileged documents sufficient to show periodic  
 3 reports provided by MTPD to TACP, if any exist.

4 **REQUEST NO. 62:**

5 All documents relating to or constituting statements to any Governmental Antitrust  
 6 Authority relating to CRTs by any Employees of the following entities:

7 i. You; and/or

8 ii. MTPD.

9 **RESPONSE:**

10 In addition to its General Objections listed above, TACP objects to Request No. 62  
 11 because it is vague, overly broad, unduly burdensome, and seeks information that is not  
 12 reasonably calculated to lead to the discovery of admissible evidence.

13 TACP also objects to Request No. 62 to the extent that it seeks the disclosure of  
 14 information that is not within TACP's possession, custody, or control.

15 TACP further objects that its counsel is not in a position to respond to this Request on  
 16 behalf of MTPD, an entity that its counsel does not represent.

17 TACP objects to the term "Governmental Antitrust Authority" because it is vague,  
 18 overbroad, and unduly burdensome

19 TACP also objects to Request No. 62 to the extent that it seeks confidential  
 20 information, the disclosure of which is prohibited by a law, regulation, or order of a court or  
 21 another authority of a foreign jurisdiction in which the information is located.

22 TACP also objects to Request No. 62 because it seeks to invade the confidentiality of  
 23 government investigations.

24 Subject to and without waiving the objections stated above, TACP states that it is not  
 25 aware of documents relating to or constituting statements from its employees to the United  
 26 States Department of Justice related to CRTs.

27  
 28 TOSHIBA AMERICA CONSUMER PRODUCTS, L.L.C.'S OBJECTIONS AND RESPONSES TO  
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**CONFIDENTIAL****REQUEST NO. 63:**

All documents relating to or constituting statements to any Governmental Antitrust Authority relating to CRTs by any employee of any Defendant.

**RESPONSE:**

In addition to its General Objections listed above, TACP objects to Request No. 63 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TACP also objects to Request No. 63 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TACP also objects to Request No. 63 to the extent that it seeks the disclosure of documents or information that is not within TACP’s possession, custody, or control.

TACP further objects that its counsel is not in a position to respond to this Request on behalf of other Defendants, whom its counsel does not represent.

TACP objects to the term “Governmental Antitrust Authority” because it is vague, overbroad, and unduly burdensome.

TACP also objects to Request No. 63 to the extent that it seeks confidential information, the disclosure of which is prohibited by a law, regulation, or order of a court or another authority of a foreign jurisdiction in which the information is located.

TACP also objects to Request No. 63 because it seeks to invade the confidentiality of government investigations.

Subject to and without waiving the objections stated above, TACP states that it is not aware of documents relating to or constituting statements from any Defendant to the United States Department of Justice related to CRTs.

**REQUEST NO. 64:**

All documents from 2000 to 2003 concerning your analyses of LP Displays International, Ltd. (f/k/a LG.Philips Displays)’s business model and your information exchange with LP Displays regarding the formation of MTPD.

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**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TACP objects to Request No. 64 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TACP also objects to Request No. 64 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TACP also objects to Request No. 64 to the extent that it seeks the disclosure of documents or information that is not within TACP’s possession, custody, or control.

TACP objects to the terms “analyses” and “information exchange” because they are vague, overbroad, and unduly burdensome.

TACP further objects to Request No. 64 to the extent that it assumes that TACP exchanged information with LP Displays without providing the basis for such an assumption.

Subject to and without waiving the objections stated above, TACP responds that, after a reasonable search, it will produce non-privileged documents sufficient to show its analysis of LP Displays International, Ltd.’s business model, if any exist.

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Dated: September 5, 2014

**WHITE & CASE**LLP

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TOSHIBA AMERICA CONSUMER PRODUCTS, L.L.C.'S OBJECTIONS AND RESPONSES TO  
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**CONFIDENTIAL****CERTIFICATE OF SERVICE**

On September 5, 2014, I caused a copy of the "TOSHIBA AMERICA CONSUMER PRODUCTS, L.L.C.'S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER PLAINTIFFS' FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS" to be served via e-mail upon:

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# **Exhibit 5-E**

CONFIDENTIAL

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12 *Counsel to Defendant*

13 *Toshiba America Electronic Components, Inc.*

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 (SAN FRANCISCO DIVISION)

17 IN RE: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

19 Case No. 07-5944 SC  
20 MDL No. 1917

21 This Document Relates to:  
22 ALL INDIRECT PURCHASER ACTIONS

23 **TOSHIBA AMERICA  
24 ELECTRONIC COMPONENTS,  
25 INC.'S OBJECTIONS AND  
26 RESPONSES TO INDIRECT  
27 PURCHASER PLAINTIFFS'  
28 FOURTH SET OF REQUESTS  
FOR PRODUCTION OF  
DOCUMENTS**

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1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's  
2 April 3, 2014 Order re Discovery and Case Management Protocol (as modified by the Court  
3 on March 12, 2013) (collectively, the "Discovery Protocol"), Defendant Toshiba America  
4 Electronic Components, Inc. ("TAEC") hereby serves the following Objections and  
5 Responses to Indirect Purchaser Plaintiffs' Fourth Set of Requests for Production of  
6 Documents from Toshiba Defendants, dated August 1, 2014 (the "Requests").

7 Each of the following responses is made only for purposes of this action. Each  
8 response is subject to all objections as to relevance, materiality and admissibility and to any  
9 and all objections on any ground that would require exclusion of any response if it were  
10 introduced in court. All evidentiary objections and grounds are expressly reserved.

11 TAEC's responses to the Requests are subject to the provisions of the Stipulated  
12 Protective Order that the Court entered on June 18, 2008 (the "Protective Order"). TAEC's  
13 responses are hereby designated "Confidential" in accordance with the provisions of the  
14 Protective Order.

### 15 **GENERAL OBJECTIONS**

16 1. TAEC objects to the Requests, including the Definitions and Instructions  
17 provided therein, to the extent they purport to impose obligations beyond those required or  
18 permitted by the Federal Rules of Civil Procedure and the Local Rules of Practice in Civil  
19 Proceedings before the United States District Court for the Northern District of California,  
20 or to the extent they are outside the scope of any order or opinion of this Court.

21 2. TAEC objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent they seek to impose on it discovery obligations exceeding the  
23 scope of the Discovery Protocol.

24 3. TAEC objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they call for the production of documents or information that  
26 relate to matters not raised by the pleadings, to the extent they are not material and  
27 necessary to the prosecution or defense of this action and to the extent they are not  
28 reasonably calculated to lead to the discovery of admissible evidence.

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1           4.       TAEC objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are overly broad, unduly burdensome, vague and/or  
3 ambiguous.

4           5.       TAEC objects to the Requests, including the Definitions and Instructions  
5 provided therein, to the extent they state and/or call for legal conclusions and/or admissions.

6           6.       TAEC objects to the Requests, including the Definitions and Instructions  
7 provided therein, to the extent they seek information or documents protected by the  
8 attorney-client privilege, work-product doctrine or any other applicable privilege,  
9 protection, immunity or rule (collectively, "Privileged Information"). TAEC will not  
10 disclose any Privileged Information in response to any Request. TAEC does not intend by  
11 this response to waive any claim of privilege or immunity. Any inadvertent production of  
12 such material or information is not intended to, and shall not, constitute a general or specific  
13 waiver in whole or in part of those privileges or protections as to material or information  
14 inadvertently produced or the subject matter thereof. Nor is any inadvertent production  
15 intended to, nor shall it, constitute a waiver of the right to object to any use of such  
16 document or information.

17           7.       TAEC objects to the Requests, including the Definitions and Instructions  
18 provided therein, to the extent they seek information, the disclosure of which would violate  
19 applicable law, including, but not limited to, privacy laws. In providing any response,  
20 TAEC does so only to the extent allowable under applicable law.

21           8.       TAEC objects to the Requests, including the Definitions and Instructions  
22 provided therein, to the extent that they seek confidential, proprietary or trade secret  
23 information.

24           9.       TAEC objects to the Requests, including the Definitions and Instructions  
25 provided therein, to the extent they seek documents or electronic information, the disclosure  
26 of which is prohibited by contractual obligations or agreements between TAEC and third  
27 parties.

28  
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1           10.     TAEC objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are unduly burdensome and oppressive, or constitute an  
3 abuse of process in light of the costs imposed on TAEC weighed against Plaintiffs' need for  
4 the information.

5           11.     TAEC objects to the Requests, including the Definitions and Instructions  
6 provided therein, to the extent they seek disclosure of documents or information not  
7 reasonably accessible to TAEC.

8           12.     TAEC objects to the Requests, including the Definitions and Instructions  
9 provided therein, to the extent they seek the discovery of information regarding TAEC's  
10 sales outside of the United States and unrelated to United States commerce, as such sales  
11 are beyond the scope of this litigation and production of such information would render  
12 these requests overly broad, unduly burdensome, and not reasonably calculated to lead to  
13 the discovery of admissible evidence. TAEC also objects to the Requests to the extent they  
14 seek discovery of information that is beyond the scope of the Sherman Antitrust Act, 15  
15 U.S.C. § 1. TAEC will only produce responsive, non-privileged information and  
16 documents that relate to TAEC's sales, if any, of CRTs or CRT Products that are shipped to  
17 the United States or that relate to activity with a direct, substantial and reasonably  
18 foreseeable effect on U.S. commerce and that can be located through a reasonable search.

19           13.     TAEC objects to the Requests, including the Definitions and Instructions  
20 provided therein, to the extent they seek information, the disclosure of which is prohibited  
21 by law, regulation or order of a court or another authority of the foreign jurisdiction in  
22 which the documents or information are located.

23           14.     TAEC objects to the Requests, including the Definitions and Instructions  
24 provided therein, to the extent they seek disclosure of documents or information that are not  
25 within TAEC's possession, custody or control.

26           15.     TAEC objects to the Requests, including the Definitions and Instructions  
27 provided therein, to the extent they seek information which is equally accessible to  
28 Plaintiffs as to TAEC, or which have already been produced by other parties.

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1           16.     TAEC objects to the Requests, including the Definitions and Instructions  
2 provided therein, to the extent they are cumulative to or duplicative of other Requests, or  
3 seek duplicative copies of the same document.

4           17.     TAEC's responses to the Requests are not intended to be, and shall not be  
5 construed as, an agreement or concurrence by TAEC with Plaintiffs' characterization of any  
6 facts, circumstances, or legal obligations. TAEC reserves the right to contest any such  
7 characterization. TAEC further objects to the Requests to the extent that they contain  
8 express or implied assumptions of fact or law with respect to matters at issue in the case.

9           18.     TAEC objects to the definition of "Document" because it is overly broad,  
10 unduly burdensome, and seeks information that is neither relevant nor reasonably calculated  
11 to lead to the discovery of admissible information. TAEC further objections to the  
12 definition of "Document" to the extent it purports to impose obligations beyond those  
13 required or permitted by the Federal Rules of Civil Procedure and the Local Rules of  
14 Practice in Civil Proceedings before the United States District Court for the Northern  
15 District of California or to the extent they are outside the scope of any order or opinion of  
16 this Court.

17           19.     TAEC objects to the definition of "you" and "your" because it is vague,  
18 overly broad and unduly burdensome, as it includes persons not controlled by TAEC, and as  
19 it seeks information that is neither relevant nor reasonably calculated to lead to the  
20 discovery of admissible information and, in addition, improperly purports to seek  
21 information from distinct corporate entities and persons not parties to the case and not  
22 controlled by TAEC. TAEC will interpret these terms to refer to TAEC only. TAEC  
23 further objects to the definition of "you" and "your" to the extent it seeks information or  
24 documents protected by the attorney-client privilege, work product doctrine or any other  
25 applicable privilege, protection, immunity, or rule.

26           20.     TAEC objects to the definition of "CRT" because it is vague, ambiguous,  
27 and overly broad.

28  
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21. TAEC objects to the definition of “Relevant Time Period” to the extent that it exceeds the “Class Period” defined in the IPPs’ Complaint, because it is overly broad, unduly burdensome, not relevant to any party’s claim or defense, and not reasonably calculated to lead to the discovery of admissible evidence. TAEC also objects to the definition of “Relevant Time Period” because it is well beyond the relevant statute of limitations. TAEC further objects to the term “Relevant Time Period” to the extent that it seeks documents created after this litigation began. For the purposes of responding to these Requests, TAEC will interpret the term “Relevant Time Period” as referring to the “Class Period” defined in the IPPs’ Complaint, which is March 1, 1995 to November 25, 2007.

22. TAEC objects to Instruction No. 1 because it is overly broad and unduly burdensome.

23. TAEC objects to Instruction Nos. 2-12 and 14-15 to the extent that they purport to impose obligations on TAEC beyond those required or permitted by the Federal Rules of Civil Procedure, the Local Rules of Practice in Civil Proceedings before the United States District Court for the Northern District of California, or the Discovery Protocol, including, without limiting the foregoing, the burden of producing any documents or things that are not within TAEC’s possession, custody, or control, in violation of Rule 34(a)(1) of the Federal Rules of Civil Procedure. TAEC also objects to Instruction No. 4 to the extent that it calls for the production of documents protected by either the attorney-client privilege or the attorney work-product doctrine.

24. TAEC objects to Instruction No. 13 with respect to the preparation of a privilege log because it is unduly burdensome and seeks more information than is required by Rule 26(b)(5)(A) of the Federal Rules of Civil Procedure.

### **OBJECTIONS AND RESPONSES TO SPECIFIC REQUESTS**

#### **REQUEST NO. 48:**

All documents reflecting discussions which led to the formation of MTPD.

#### **RESPONSE:**

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1 In addition to its General Objections listed above, TAEC objects to Request No. 48  
2 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
3 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4 TAEC also objects to Request No. 48 to the extent it seeks “all documents” on the  
5 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
6 to the discovery of admissible evidence.

7 TAEC further objects to Request No. 48 because the term “formation” is vague.

8 Subject to and without waiving the objections stated above, TAEC refers Plaintiffs to  
9 documents and information previously produced by TAEC in this litigation in response to  
10 Interrogatory No. 7 of DPPs’ First Set of Interrogatories, Request No. 24 of IPPs’ Second  
11 Set of Requests for Production of Documents, and Request No. 24 of DPPs’ Second Set of  
12 Requests for Production of Documents.

13 **REQUEST NO. 49:**

14 All documents reflecting discussions regarding the decisions to shut down worldwide  
15 CRT manufacturing facilities between 2003 and the present, for MTPD.

16 **RESPONSE:**

17 In addition to its General Objections listed above, TAEC objects to Request No. 49  
18 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

20 TAEC also objects to Request No. 49 to the extent it seeks “all documents” on the  
21 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
22 to the discovery of admissible evidence.

23 TAEC also objects to Request No. 49 to the extent that it seeks the disclosure of  
24 documents or information that is not within TAEC’s possession, custody, or control.

25 TAEC further objects that its counsel is not in a position to respond to this Request on  
26 behalf of MTPD, an entity that its counsel does not represent.

27 TAEC also objects to Request No. 49 to the extent that it seeks information beyond  
28 the putative class period.

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1 Subject to and without waiving the objections stated above, TAEC responds that,  
 2 after a reasonable search, it will produce non-privileged documents sufficient to show  
 3 decisions to shut down worldwide CRT manufacturing facilities between 2003 and the  
 4 present, for MTPD, if any exist.

5 **REQUEST NO. 50:**

6 All documents relating to discussions regarding Panasonic's acquisition of Toshiba's  
 7 stake in MTPD in or around April 2007.

8 **RESPONSE:**

9 In addition to its General Objections listed above, TAEC objects to Request No. 50  
 10 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 11 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

12 TAEC also objects to Request No. 50 to the extent it seeks "all documents" on the  
 13 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 14 to the discovery of admissible evidence.

15 TAEC further objects to Request No. 50 on the ground that it is cumulative or  
 16 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 17 Protocol, including Requests Nos. 9 and 10 of DAPs' First Set of Requests for Admissions  
 18 and Interrogatory No. 1 of DAPs' First Set of Interrogatories.

19 Subject to and without waiving the objections stated above, TAEC responds that,  
 20 after a reasonable search, it will produce non-privileged documents sufficient to show  
 21 Panasonic's acquisition of Toshiba's stake in MTPD in or around April 2007, if any exist.

22 **REQUEST NO. 51:**

23 All documents relating to your due diligence regarding Panasonic's acquisition of  
 24 Toshiba's stake in MTPD in or around April 2007.

25 **RESPONSE:**

26 In addition to its General Objections listed above, TAEC objects to Request No. 51  
 27 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 28 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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1 TAEC also objects to Request No. 51 to the extent it seeks “all documents” on the  
 2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 3 to the discovery of admissible evidence.

4 TAEC further objects to Request No. 51 on the ground that it is cumulative or  
 5 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 6 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
 7 No. 24 of DPPs’ Second Set of Requests for Production of Documents.

8 TAEC also objects to Request No. 51 to the extent that it seeks the disclosure of  
 9 documents or information that is not within TAEC’s possession, custody, or control.

10 Subject to and without waiving the objections stated above, TAEC responds that,  
 11 after a reasonable search, it will produce non-privileged documents sufficient to show  
 12 TAEC’s due diligence regarding Panasonic’s acquisition of Toshiba’s stake in MTPD in or  
 13 around April 2007, if any exist.

14 **REQUEST NO. 52:**

15 All documents including, without limitations, financial statements, reflecting  
 16 contributions of assets and liabilities that MTPD received from you between 2003 and  
 17 2009.

18 **RESPONSE:**

19 In addition to its General Objections listed above, TAEC objects to Request No. 52  
 20 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 21 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

22 TAEC also objects to Request No. 52 to the extent it seeks “all documents” on the  
 23 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 24 to the discovery of admissible evidence.

25 TAEC further objects to Request No. 52 to the extent that it seeks information beyond  
 26 the putative class period.

27 TAEC further objects to Request No. 52 on the ground that it is cumulative or  
 28 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
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1 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
2 No. 24 of DPPs' Second Set of Requests for Production of Documents.

3 Subject to and without waiving the objections stated above, TAEC responds that,  
4 after a reasonable search, it will produce non-privileged documents sufficient to show  
5 contributions of assets and liabilities that MTPD received from TAEC between 2003 and  
6 2009, if any exist.

7 **REQUEST NO. 53:**

8 All MTPD's documents including, without limitations, financial statements,  
9 reflecting contributions of assets and liabilities that MTPD received from you between 2003  
10 and 2009.

11 **RESPONSE:**

12 In addition to its General Objections listed above, TAEC objects to Request No. 53  
13 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
14 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

15 TAEC also objects to Request No. 53 to the extent it seeks "all MTPD's documents"  
16 on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to  
17 lead to the discovery of admissible evidence.

18 TAEC further objects to Request No. 53 to the extent that it seeks the disclosure of  
19 documents or information that is not within TAEC's possession, custody, or control.

20 TAEC further objects to Request No. 53 to the extent that it seeks information beyond  
21 the putative class period.

22 TAEC further objects that its counsel is not in a position to respond to this Request on  
23 behalf of MTPD, an entity that its counsel does not represent.

24 TAEC further objects to Request No. 53 on the ground that it is cumulative or  
25 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
26 Protocol, including Interrogatory No. 1 of DAPs' First Set of Interrogatories and Request  
27 No. 24 of DPPs' Second Set of Requests for Production of Documents.

28  
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1 Subject to and without waiving the objections stated above, TAEC responds that,  
2 after a reasonable search, it will produce non-privileged documents sufficient to show  
3 contributions of assets and liabilities that MTPD received from TAEC between 2003 and  
4 2009, if any exist.

5 **REQUEST NO. 54:**

6 All documents relating to payments of dividends or other profits paid by MTPD to  
7 you between 2003 and 2009.

8 **RESPONSE:**

9 In addition to its General Objections listed above, TAEC objects to Request No. 54  
10 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
11 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

12 TAEC also objects to Request No. 54 to the extent it seeks “all documents” on the  
13 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
14 to the discovery of admissible evidence.

15 TAEC also objects to the term “other profits” because it is vague, overly broad and  
16 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

17 TAEC further objects to Request No. 54 to the extent it seeks the disclosure of  
18 documents or information which is equally accessible to the Plaintiffs as to Toshiba Corp,  
19 or which has already been produced by other parties.

20 TAEC further objects to Request No. 54 to the extent that it seeks information beyond  
21 the putative class period.

22 TAEC further objects to Request No. 54 on the ground that it is cumulative or  
23 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
24 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
25 No. 24 of DPPs’ Second Request for Production of Documents.

26 Subject to and without waiving the objections stated above, TAEC responds that,  
27 after a reasonable search, it will produce non-privileged documents from the putative class  
28

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1 period sufficient to show payments of dividends or other profits paid by MTPD to TAEC  
2 between 2003 and 2009, if any exist.

3 **REQUEST NO. 55:**

4 All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009  
5 which were submitted to you, including but not limited to those used for the monthly  
6 business unit meetings conducted at PAVC. See Tobinaga 30(b)(6) Tr. 22:25-28:12.

7 **RESPONSE:**

8 In addition to its General Objections listed above, TAEC objects to Request No. 55  
9 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
10 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

11 TAEC objects to the terms “business plans, reports, and forecasts” because they are  
12 vague, overbroad, and unduly burdensome.

13 TAEC also objects to Request No. 55 to the extent that it seeks information beyond  
14 the putative class period. TAEC will only respond to this Request within the putative class  
15 period.

16 TAEC further objects to Request No. 55 on the ground that it is cumulative or  
17 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
18 Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of  
19 Documents.

20 Subject to and without waiving the objections stated above, TAEC responds that,  
21 after a reasonable search, it will produce non-privileged documents sufficient to show  
22 business plans, reports, and forecasts prepared by MTPD that were submitted to TAEC  
23 during the putative class period, if any exist.

24 **REQUEST NO. 56:**

25 All business plans, reports, and forecasts prepared by MTPD from 2003 to 2009  
26 which were submitted to you, including but not limited to those used to create your business  
27 plans.

28  
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**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TAEC objects to Request No. 56 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAEC objects to the terms “business plans, reports, and forecasts” because they are vague, overbroad, and unduly burdensome.

TAEC also objects to Request No. 56 to the extent that it seeks information beyond the putative class period. TAEC will only respond to this Request within the putative class period.

TAEC further objects to Request No. 56 to the extent that it assumes that TAEC used “business plans, reports, and forecasts prepared by MTPD” to create its business plans without providing the basis for such an assumption.

TAEC further objects to Request No. 56 on the ground that it is cumulative or duplicative of discovery served in this litigation, which is in contravention of the Discovery Protocol, including Request No. 17 of DPPs’ Second Set of Requests for Production of Documents.

Subject to and without waiving the objections stated above, TAEC responds that, after a reasonable search, it will produce non-privileged documents sufficient to show business plans, reports, and forecasts prepared by MTPD that were submitted to TAEC during the putative class period, if any exist.

**REQUEST NO. 57:**

All documents relating to the rules and policies of any board or committee governing MTPD from 2003 to 2009.

**RESPONSE:**

In addition to its General Objections listed above, TAEC objects to Request No. 57 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

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1 TAEC also objects to Request No. 57 to the extent it seeks “all documents” on the  
 2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 3 to the discovery of admissible evidence.

4 TAEC objects to the terms “rules and policies” because they are vague, overbroad,  
 5 and unduly burdensome.

6 TAEC also objects to Request No. 57 to the extent that it seeks the disclosure of  
 7 documents or information that is not within TAEC’s possession, custody, or control.

8 TAEC further objects that its counsel is not in a position to respond to this Request on  
 9 behalf of MTPD, an entity that its counsel does not represent.

10 TAEC also objects to Request No. 57 to the extent that it seeks information beyond  
 11 the putative class period.

12 TAEC further objects to Request No. 57 on the ground that it is cumulative or  
 13 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 14 Protocol, including Interrogatory No. 15 of DAPs’ First Set of Interrogatories.

15 Subject to and without waiving the objections stated above, TAEC responds that,  
 16 after a reasonable search, it will produce non-privileged documents sufficient to show the  
 17 rules and policies of any board or committee governing MTPD that TAEC received during  
 18 the putative class period, if any exist.

19 **REQUEST NO. 58:**

20 All documents relating to your assistance or participation in the procurement of any  
 21 loans or other capital from third parties during the Relevant Time Period including, without  
 22 limitations, any guarantees you made, for MTPD.

23 **RESPONSE:**

24 In addition to its General Objections listed above, TAEC objects to Request No. 58  
 25 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 26 relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
 27  
 28

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1 TAEC also objects to Request No. 58 to the extent it seeks “all documents” on the  
 2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
 3 to the discovery of admissible evidence.

4 TAEC objects to the term “guarantees” because it is vague, overbroad, and unduly  
 5 burdensome.

6 TAEC further objects to Request No. 58 to the extent that it seeks the disclosure of  
 7 documents or information that is not within TAEC’s possession, custody, or control.

8 TAEC further objects to Request No. 58 to the extent that it seeks information beyond  
 9 the putative class period.

10 TAEC further objects to Request No. 58 on the ground that it is cumulative or  
 11 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 12 Protocol, including Interrogatory No. 1 of DAPs’ First Set of Interrogatories and Request  
 13 No. 24 of DPPs’ Second Set of Requests for Production of Documents.

14 Subject to and without waiving the objections stated above, TAEC responds that,  
 15 after a reasonable search, it will produce non-privileged documents sufficient to show  
 16 TAEC’s assistance or participation in the procurement of any loans or other capital from  
 17 third parties during the putative class period for MTPD, if any exist.

18 **REQUEST NO. 59:**

19 All documents relating to the pricing or prices of CRTs you purchased from MTPD  
 20 during the Relevant Time Period including, without limitations, any pricing negotiations,  
 21 price lists, and any agreements by you to pay in advance for the delivery of CRTs you  
 22 bought.

23 **RESPONSE:**

24 In addition to its General Objections listed above, TAEC objects to Request No. 59  
 25 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
 26 relevant nor reasonably calculated to lead to the discovery of admissible evidence.  
 27  
 28

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1 TAEC also objects to Request No. 59 to the extent it seeks “all documents” on the  
2 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
3 to the discovery of admissible evidence.

4 TAEC objects to the term “CRTs” because it is vague, overbroad, and unduly  
5 burdensome.

6 TAEC also objects to Request No. 59 to the extent that it seeks the disclosure of  
7 documents or information that is not within TAEC’s possession, custody, or control.

8 TAEC also objects to Request No. 59 to the extent that it seeks information beyond  
9 the putative class period. TAEC will only respond to this Request within the putative class  
10 period.

11 TAEC also objects to Request No. 59 to the extent it seeks information regarding  
12 purchases outside the United States and unrelated to United States commerce, as such  
13 purchases are beyond the scope of this litigation and requesting such information renders  
14 Request No. 59 overly broad, unduly burdensome, and not reasonably calculated to lead to  
15 the discovery of admissible evidence.

16 TAEC further objects to Request No. 59 on the ground that it is cumulative or  
17 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
18 Protocol, including Interrogatories Nos. 11 and 12 of IPPs and DPPs’ Interrogatories on  
19 Toshiba Defendants and Request No. 14 of the IPPs’ Second Request for Production of  
20 Documents.

21 Subject to and without waiving the objections stated above, TAEC refers Plaintiffs to  
22 TAEC’s transactional data, already produced in this litigation.

23 **REQUEST NO. 60:**

24 All documents relating to insurance policies covering MTPD and/or their respective  
25 employee(s) including, without limitations, documents relating to the payment of those  
26 insurance premiums.

27  
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**CONFIDENTIAL****RESPONSE:**

In addition to its General Objections listed above, TAEC objects to Request No. 60 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAEC also objects to Request No. 60 to the extent it seeks “all documents” on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAEC further objects to Request No. 60 to the extent that it seeks the disclosure of documents or information that is not within TAEC’s possession, custody, or control.

TAEC further objects that its counsel is not in a position to respond to this Request on behalf of MTPD, an entity that its counsel does not represent.

TAEC further objects to Request No. 60 to the extent that it seeks information beyond the putative class period.

Subject to and without waiving the objections stated above, TAEC responds that, after a reasonable search, it will produce non-privileged documents sufficient to show insurance policies covering MTPD, if any exist.

**REQUEST NO. 61:**

All documents relating to or constituting any periodic reports provided by MTPD to you.

**RESPONSE:**

In addition to its General Objections listed above, TAEC objects to Request No. 61 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAEC objects to the term “periodic reports” because it is vague, overbroad, and unduly burdensome.

TAEC also objects to Request No. 61 to the extent that it seeks information beyond the putative class period. TAEC will only respond to this Request within the putative class period.

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1 TAEC further objects to Request No. 61 on the ground that it is cumulative or  
 2 duplicative of discovery served in this litigation, which is in contravention of the Discovery  
 3 Protocol, including Request No. 17 of DPPs' Second Set of Requests for Production of  
 4 Documents.

5 Subject to and without waiving the objections stated above, TAEC responds that,  
 6 after a reasonable search, it will produce non-privileged documents sufficient to show  
 7 periodic reports provided by MTPD to TAEC, if any exist.

8 **REQUEST NO. 62:**

9 All documents relating to or constituting statements to any Governmental Antitrust  
 10 Authority relating to CRTs by any Employees of the following entities:

11 i. You; and/or

12 ii. MTPD.

13 **RESPONSE:**

14 In addition to its General Objections listed above, TAEC objects to Request No. 62  
 15 because it is vague, overly broad, unduly burdensome, and seeks information that is not  
 16 reasonably calculated to lead to the discovery of admissible evidence.

17 TAEC also objects to Request No. 62 to the extent that it seeks the disclosure of  
 18 information that is not within TAEC's possession, custody, or control.

19 TAEC further objects that its counsel is not in a position to respond to this Request on  
 20 behalf of MTPD, an entity that its counsel does not represent.

21 TAEC objects to the term "Governmental Antitrust Authority" because it is vague,  
 22 overbroad, and unduly burdensome

23 TAEC also objects to Request No. 62 to the extent that it seeks confidential  
 24 information, the disclosure of which is prohibited by a law, regulation, or order of a court or  
 25 another authority of a foreign jurisdiction in which the information is located.

26 TAEC also objects to Request No. 62 because it seeks to invade the confidentiality of  
 27 government investigations.

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1 Subject to and without waiving the objections stated above, TAEC states that it is not  
2 aware of documents relating to or constituting statements from its employees to the United  
3 States Department of Justice related to CRTs.

4 **REQUEST NO. 63:**

5 All documents relating to or constituting statements to any Governmental Antitrust  
6 Authority relating to CRTs by any employee of any Defendant.

7 **RESPONSE:**

8 In addition to its General Objections listed above, TAEC objects to Request No. 63  
9 because it is vague, overly broad, unduly burdensome, and seeks information that is neither  
10 relevant nor reasonably calculated to lead to the discovery of admissible evidence.

11 TAEC also objects to Request No. 63 to the extent it seeks “all documents” on the  
12 grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead  
13 to the discovery of admissible evidence.

14 TAEC also objects to Request No. 63 to the extent that it seeks the disclosure of  
15 documents or information that is not within TAEC’s possession, custody, or control.

16 TAEC further objects that its counsel is not in a position to respond to this Request on  
17 behalf of other Defendants, whom its counsel does not represent.

18 TAEC objects to the term “Governmental Antitrust Authority” because it is vague,  
19 overbroad, and unduly burdensome.

20 TAEC also objects to Request No. 63 to the extent that it seeks confidential  
21 information, the disclosure of which is prohibited by a law, regulation, or order of a court  
22 or another authority of a foreign jurisdiction in which the information is located.

23 TAEC also objects to Request No. 63 because it seeks to invade the confidentiality of  
24 government investigations.

25 Subject to and without waiving the objections stated above, TAEC states that it is not  
26 aware of documents relating to or constituting statements from any Defendant to the United  
27 States Department of Justice related to CRTs.

28  
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**CONFIDENTIAL****REQUEST NO. 64:**

All documents from 2000 to 2003 concerning your analyses of LP Displays International, Ltd. (f/k/a LG.Philips Displays)'s business model and your information exchange with LP Displays regarding the formation of MTPD.

**RESPONSE:**

In addition to its General Objections listed above, TAEC objects to Request No. 64 because it is vague, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

TAEC also objects to Request No. 64 to the extent it seeks "all documents" on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

TAEC also objects to Request No. 64 to the extent that it seeks the disclosure of documents or information that is not within TAEC's possession, custody, or control.

TAEC objects to the terms "analyses" and "information exchange" because they are vague, overbroad, and unduly burdensome.

TAEC further objects to Request No. 64 to the extent that it assumes that TAEC exchanged information with LP Displays without providing the basis for such an assumption.

Subject to and without waiving the objections stated above, TAEC responds that, after a reasonable search, it will produce non-privileged documents sufficient to show its analysis of LP Displays International, Ltd.'s business model, if any exist.

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Dated: September 5, 2014

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**CONFIDENTIAL****CERTIFICATE OF SERVICE**

On September 5, 2014, I caused a copy of the "TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.'S OBJECTIONS AND RESPONSES TO INDIRECT PURCHASER PLAINTIFFS' FOURTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS" to be served via e-mail upon:

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